4–20–99
Vol. 64 No. 75
Pages 19251–19438

Federal Register

Tuesday
April 20, 1999

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $555, or $607 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 64 FR 12345.

Printed on recycled paper.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

Contents

Federal Register

Vol. 64, No. 75

Tuesday, April 20, 1999

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 64, No. 75
Tuesday, April 20, 1999

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 98–044–2]

Animal Welfare; Solid Resting Surfaces for Dogs and Cats

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the regulations under the Animal Welfare Act pertaining to primary enclosures for dogs and cats by removing the requirement that primary enclosures with flooring made of mesh or slatted construction include a solid resting surface. The interim rule became effective on July 14, 1998. The requirement we removed was erroneously added in a final rule that amended the requirements for primary enclosures for dogs and cats to prohibit bare wire flooring in such enclosures. As stated in the subsequent interim rule, we do not believe that it is necessary for primary enclosures with acceptable flooring of mesh or slatted construction to include a solid resting surface. Therefore, this action finalizes the removal of an unnecessary and unintended requirement.

EFFECTIVE DATE: This final rule, which makes no changes to the July 14, 1998, interim rule, is effective May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Smith, Staff Animal Health Technician, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234, (301) 734–4972.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** on July 13, 1998 (63 FR 37480–37482, Docket No. 98–044–1), and effective July 14, 1998, we amended the Animal Welfare Act (AWA) regulations in 9 CFR part 3 (referred to below as the regulations) pertaining to primary enclosures for dogs and cats by removing the requirement that primary enclosures with suspended flooring made of mesh or slatted construction include a solid resting surface. This requirement was erroneously added in a final rule published on January 21, 1998 (63 FR 3017–3023, Docket No. 95–100–2, effective February 20, 1998). That final rule amended the requirements for primary enclosures for dogs and cats to prohibit flooring made of wire (i.e., uncoated metal strands ⅛ of an inch or less in diameter). The January 21 final rule also added a requirement that the suspended floor of any primary enclosure for a dog or cat must be strong enough so that the floor does not sag or bend.

Prior to the effective date of the January 21 final rule, primary enclosures for dogs and cats with suspended flooring made of wire were required to include a solid resting surface, and primary enclosures with suspended flooring of mesh or slatted construction using materials other than wire were not. As a result of an error in the final rule, all primary enclosures for dogs and cats with suspended flooring of mesh or slatted construction were required to include a solid resting surface. One of the purposes of requiring a solid resting surface in enclosures with suspended flooring made of wire was to provide a relatively level resting surface for the animals because suspended wire floors tend to sag and bend. We did not believe that it was necessary for primary enclosures of mesh or slatted construction not made of wire to include a solid resting surface. Therefore, we published the interim rule to remove the requirement that primary enclosures with suspended flooring of mesh or slatted construction include a solid resting surface.

Comments on the interim rule were required to be received on or before September 11, 1998. We received 17 comments by that date. They were from dog breeders, members of the public, and animal welfare organizations. The comments were split evenly in support of or opposition to the interim rule and are discussed below.

Several commenters expressed the general opinion that it is inhumane to have an animal living on mesh or slatted flooring because such flooring is uncomfortable for the animals. The commenters stated that the openings in the floor can cause sores on the animals' paws and that the claws can get caught. One commenter stated that a solid resting surface in such enclosures benefits the animals by adding to their physical comfort and enhancing their psychological well-being by reducing stress. One commenter stated that solid resting surfaces are especially beneficial to breeding females and their litters to provide a place for the pups to nurse and sleep as a group and an area where they can walk ''without any worry that their feet will slide through or their toes will catch.'' Two commenters expressed the opinion that toy breed dogs housed on mesh or slatted floors should have resting boards, as the size of these dogs puts them in particular danger of catching a foot in the mesh or slats of the floor. Another commenter stated that large breeds of dogs housed on mesh or slatted flooring should have a solid resting surface, but the commenter did not provide a reason. One commenter stated that, before finalizing the interim rule, research should be done to determine how comfortable flooring of mesh or slatted construction is for dogs and cats, perhaps by providing dogs and cats kept on such floors with access to a solid resting surface and observing where they choose to rest. The commenter further stated that, before the public can provide meaningful comments, our agency needs to describe the types of mesh and slats that are allowed and how much of a gap may separate each strand or slat.

In response to the comments about the degree of comfort provided by solid resting surfaces and the need for research on this issue, we are unaware of any relevant scientific data. Our Agency bases our regulations on scientific data whenever possible. However, in promulgating regulations under the AWA, scientific data is often not available, and we must rely on the knowledge we have gained from our considerable experience in AWA enforcement. We know from more than 30 years of administering the AWA that dogs and cats raised in enclosures with suspended floors of mesh or slatted

construction can be healthy and show no ill effects. Our experience has also shown that, in warm weather, many dogs and cats seem to prefer to rest on mesh and slatted flooring rather than on a solid resting surface, presumably because of the additional airflow that mesh and slatted flooring allows.

In regard to the comments about injuries to the feet of dogs and cats housed in primary enclosures with suspended flooring of mesh or slatted construction, we believe that the current regulations pertaining to primary enclosures for dogs and cats adequately address this issue. In § 3.6, paragraph (a)(2)(x) states that, among other things, the enclosures must ''(h)ave floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor.'' We believe that these performance-based regulations adequately describe the types of mesh or slats and sizes of gaps in suspended floors of mesh or slatted construction that are acceptable to us. We further believe that these regulations are specific enough to prohibit the use of flooring materials that could cause foot and leg injuries. Our inspectors report that most AWA-licensed dog and cat breeders use high-quality coated wire or galvanized expanded metal in primary enclosures with suspended flooring.

In regard to the comment concerning the use of solid resting surfaces in primary enclosures containing breeding females and their litters, the requirements just cited in § 3.6 (a)(2)(x) apply to puppies and kittens as well. Moreover, our inspectors have found that many dog breeders place a tublike container in these enclosures to contain the puppies but allow the mother to exit and enter.

One commenter urged that the use of resting surfaces made of wood be prohibited because, being porous, they become damp and hard to disinfect and dogs chew on them, which can cause injury.

We believe that the current regulations pertaining to primary enclosures for dogs and cats are adequate to ensure that wooden resting surfaces do not become a source of injury or pose a sanitation hazard for dogs and cats. In § 3.6, paragraph (a)(1) states that primary enclosures must be designed and constructed of suitable materials so that they are structurally sound and that primary enclosures must be kept in good repair. Paragraph (a)(2) of § 3.6 states that primary enclosures must be constructed and maintained so that they (1) have no sharp points or edges that could injure the dogs and cats, (2) protect the dogs and cats from injury, and (3) enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized or be replaced when worn or soiled.

Many commenters in support of the interim rule stated that solid resting surfaces affect the health of puppies and kittens by creating a dirtier environment for them as a result of the accumulation of fecal matter. One commenter stated that, in the commenter's experience, most dogs in primary enclosures with suspended flooring of mesh or slatted construction that include a solid resting surface will defecate on the resting surface, thereby defeating the purpose of using mesh or slatted flooring. (However, one commenter in opposition to the interim rule stated that, in the commenters experience, most caged animals will not defecate on their resting surfaces because the surfaces usually serve as their sleeping areas.) One commenter stated that the requirement for a solid resting surface created an unnecessary and unusual burden on animal caretakers by making it necessary to clean the solid surfaces continually to avoid any potential for bacterial infections. A commenter in support of the interim rule suggested to regulated entities concerned about keeping solid resting surfaces clean and sanitary because of problems associated with the animals' waste that ''allowing animals sufficient exercise time outside of their cages would reduce the amount of waste an animal would pass in its cage.''

In our experience with AWA enforcement, we have found that solid resting surfaces in primary enclosures with suspended flooring for dogs and cats often become areas where excreta collects. In the AWA regulations pertaining to the care of dogs and cats, 3.11(a) requires that ''[e]xcreta and food waste must be removed from primary enclosures for dogs and cats daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.'' Even regulated entities who comply with the regulations and clean their dog and cat primary enclosures daily cannot ensure that solid resting surfaces are clean at all times. When excreta collect on solid resting surfaces, they become breeding grounds for bacteria and viruses that can cause serious infections and diseases in dogs and cats. In regard to the suggestion of allowing animals sufficient exercise time outside the primary enclosures, § 3.8 of the regulations requires that regulated entities develop, document, and follow a plan to provide dogs with the opportunity to exercise. While we certainly encourage regulated parties to provide their dogs with as much exercise time as possible, regulated parties would still have to deal with removal of animal waste because § 3.11 of the regulations requires removal of waste from outside runs and pens as well as the entire premises.

Several commenters expressed concern that the interim rule was promulgated solely to save regulated entities the time and money involved in cleaning the solid resting surfaces. Some commenters stated that the requirement for a clean solid resting surface is not overly burdensome and that the cost estimates provided in the interim rule for cleaning such surfaces are too high. One commenter further stated that flooring of mesh or slatted construction allows only some animal waste to fall through, so regulated entities are already making an investment in regularly cleaning the cages, and another commenter stated that the additional cost of cleaning solid resting surfaces would be minimal.

In accordance with Federal law, our agency analyzed the potential economic effects of our rule on small entities. We created the cost estimate in the interim rule for cleaning solid resting surfaces based on certain assumptions. We believe that it is not unrealistic to assume that it takes 5 minutes to clean each solid resting surface, that labor is paid at a rate of $6 per hour, and that each resting surface is cleaned once per day. Based on these assumptions, we estimated that a dog breeder with 120 enclosures would incur an annual cost of $21,900 for cleaning solid resting surfaces. The commenter did not provide any specific basis for any revisions to this analysis. In the absence of any clear evidence that solid resting surfaces in primary enclosures with suspended flooring of mesh or slatted construction are necessary for the protection of dogs and cats covered by the AWA, we do not believe the costs associated with purchasing and cleaning the solid resting surfaces would be justified.

Many commenters expressed the opinion that the decision to include a solid resting surface in primary enclosures for dogs and cats should be left up to the person responsible for caring for the dogs and cats because professional animal caretakers know what is best for their animals and will provide for their needs.

In keeping with Federal regulatory reform initiatives, we strive to promulgate performance-based rather than engineering-based requirements whenever possible and to work with regulated entities to help them gain and maintain compliance with the AWA. We believe that the decision of whether to include solid resting surfaces in the primary enclosures of dogs and cats can best be determined by the AWA licensees themselves.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule removes a requirement under the Animal Welfare Act (AWA) regulations that primary enclosures used for dogs and cats and having suspended flooring of mesh or slatted construction include solid resting surfaces. Promulgated in error, this requirement has placed an unnecessary and unintentional burden on regulated entities. As explained below, this rule will benefit entities who house dogs and cats in primary enclosures that have suspended flooring of mesh or slatted construction. These regulated entities will avoid the cost of purchasing the resting surfaces, as well as the cost of cleaning those surfaces following installation. However, the rule does not preclude regulated entities who wish to provide such surfaces for their animals from doing so.

The Regulatory Flexibility Act requires that agencies consider the economic impact of rules on small entities. This rule will primarily affect animal dealers and research facilities licensed or registered under the AWA. The exact number of entities affected by the rule is unknown because the number of AWA licensees and registrants who house dogs and cats in primary enclosures that have suspended floors of mesh or slatted construction is unknown. However, it is estimated that roughly half of the 4,265 licensed dealers and many of the 2,506 registered research facilities will be affected.[1] The rule's impact on regulated exhibitors is insignificant because most do not exhibit dogs and cats. Registered carriers and intermediate handlers are also largely unaffected because they only transport animals so they do not maintain ''primary'' enclosures for regulated animals.

The number of dealers and research facilities that are considered small entities under U.S. Small Business Administration (SBA) standards is unknown because information as to their size (in terms of gross receipts or number of employees) is not available. However, it is reasonable to assume that most are small in size, based on composite data for providers of the same and similar services in the United States. In 1992, the per-firm average gross receipts for all 6,804 firms in SIC (Standard Industrial Classification) 0752, which includes dog and cat breeders, was $115,290, well below the SBA's small entity threshold of $5 million. Similarly, the 1992 per-establishment average employment for all 3,826 U.S. establishments in SIC 8731, which includes research facilities, was 29, well below the SBA's small entity threshold of 500 employees. It is very likely, therefore, that small entities will be the principal beneficiaries of the rule.

Solid resting surfaces used in dog and cat primary enclosures are made of a variety of materials, including fiberglass, galvanized metal, or wood, but the most common material used is rubber matting. The average cost of such surfaces is minimal—about $5 per enclosure. The resting surfaces are usually not affixed to the enclosures; they are simply placed on top of the suspended flooring, so as to allow for easy removal and cleaning. For that reason, there is virtually no labor cost associated with the installation of such surfaces. Thus, if a breeder had to install resting surfaces in 120 enclosures, the total cost would be about $600. However, solid resting surfaces have to be replaced over time. The replacement rate is unknown and depends on the type of material used. Those resting surfaces made of fiberglass or galvanized metal, for example, have to be replaced less frequently than those made of wood. As a result of the rule, affected entities will avoid this ongoing replacement cost.

Resting surfaces are usually cleaned by hosing them down. They are cleaned outside the enclosures, to prevent the animals from getting wet. Cleaning resting surfaces can be a costly undertaking, largely because it is labor intensive. For a dog breeder with 120 enclosures, for example, the annual cost is conservatively estimated at $21,900 per year. This estimate assumes that: (1) Each resting surface is cleaned once each day; (2) it takes 5 minutes to clean each resting surface; and (3) labor is paid at a rate of $6 per hour.

The impact of the rule on individual entities will vary, depending on the number of enclosures maintained. However, the impact of the rule on all regulated entities will be beneficial.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 3

Animal welfare, Marine mammals, Pets, Reporting and recordkeeping requirements, Research, Transportation.

PART 3—STANDARDS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 3 and that was published at 63 FR 37480–37482 on July 13, 1998.

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.2(d).

[1] In FY96, 10,366 facilities were licensed or registered under the AWA. Of those facilities, 4,265 were licensed dealers, 2,422 were licensed exhibitors, and 3,679 were registrants. The dealers are subdivided into two classes. Class A dealers (3,043) breed animals, and Class B dealers (1,222) serve as animal brokers. The registrants comprise research facilities (2,506), carriers and intermediate handlers (1,142), and exhibitors (31). As used here, the term ''facilities'' represents sites, the physical location where animals are housed. Some licensees and registrants have more than one site.

Done in Washington, DC, this 15th day of April 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–9847 Filed 4–19–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–SW–48–AD; Amendment 39–11137; AD 99–09–05]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 230 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to BHTC Model 230 helicopters. This action requires initial and repetitive visual inspections and verification of the torque of the bolts on the main rotor hub. This amendment is prompted by a report of fatigue cracks around the bolt holes of the main rotor pitch horn (pitch horn) and a cracked main rotor flapping bearing assembly (flapping bearing assembly) on a similar model helicopter. This condition, if not corrected, could result in fretting-induced fatigue cracking of the flapping bearing assembly and around the bolt holes of the pitch horn, loss of the rotor system, and subsequent loss of control of the helicopter.

DATES: Effective May 5, 1999.

Comments for inclusion in the Rules Docket must be received on or before June 21, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 98–SW–48–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Harry Edmiston, Aerospace Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5158, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION: Transport Canada, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on BHTC Model 230 helicopters. Transport Canada advises that fatigue cracks at the bolt holes of the pitch horn and in the flapping bearing assembly can lead to loss of control of the helicopter.

BHTC issued Alert Service Bulletin No. 230–98–13, dated April 23, 1998 (ASB), which specifies inspecting the main rotor hub in the areas between the pitch horn and main rotor grip tangs (grip tangs) and between the flapping bearing assembly and the main rotor yoke assembly for fretting. The ASB also specifies torque verification procedures for the main rotor grip retaining bolts and the flapping bearing assembly retaining bolts. Transport Canada classified this ASB as mandatory and issued Transport Canada AD CF–98–17, dated July 15, 1998, to ensure the continued airworthiness of these helicopters in Canada.

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

The FAA estimates that 17 helicopters will be affected by this AD, that it will take approximately 1 work hour to accomplish the inspection and retorque of bolts, if necessary, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,060 per year, assuming three inspections and retorques per year and assuming that no parts will need to be replaced.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTC Model 230 helicopters of the same type design registered in the United States, this AD is being issued to prevent fretting induced fatigue cracking of the flapping bearing assembly and around the bolt holes of the pitch horn, loss of the rotor system, and subsequent loss of control of the helicopter. This AD requires recurring inspections of the main rotor hub in the areas between the pitch horn and grip tangs and between the flapping bearing assembly and the main rotor yoke assembly for fretting. If fretting is found on any part, replacing that part with an airworthy part is required. This AD also requires verifying the torque on the main rotor grip retaining bolts and the flapping bearing assembly retaining bolts. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, a visual inspection of the main rotor hub between the pitch horn and grip tangs and the flapping bearing assembly and the main rotor yoke assembly for fretting is required. A torque check of the main rotor grip retaining bolts and the flapping bearing assembly retaining bolts is also required. These actions are required within 10 hours TIS and this AD must be issued immediately.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped

postcard on which the following statement is made: ''Comments to Docket No. 98–SW–48–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 99–09–05 Bell Helicopter Textron Canada: Amendment 39–11137. Docket No. 98–SW–48–AD.

Applicability: Model 230 helicopters, serial numbers 23001 through 23038, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fretting induced fatigue cracking of the main rotor flapping bearing assembly (flapping bearing assembly) and around the bolt holes of the main rotor pitch horn (pitch horn), loss of the rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 10 hours time-in-service (TIS), and thereafter at intervals not to exceed 150 hours TIS:

(1) Perform a visual inspection of the main rotor hub for fretting between the pitch horn and main rotor grip tangs (grip tangs) and between the flapping bearing assembly and the main rotor yoke assembly. If fretting is found on any part, replace it with an airworthy part.

(2) Verify the torque of the main rotor grip retaining bolts and the flapping bearing assembly bolts in the tightening direction, minimum 100 foot-pounds. If 100 foot-pounds torque is reached without movement of the bolts, torque bolts to 125 foot-pounds.

(3) If any bolt moves before 100 foot-pounds torque is reached, remove the pitch horn or the flapping bearing assembly, as applicable, from the main rotor hub assembly for further inspection. Inspect the pitch horn or flapping bearing assembly, as applicable, and all faying surfaces of the pitch horn, flapping bearing assembly, buffers, main rotor yoke assembly, and the grip tangs for fretting. If fretting is found on any part, replace it with an airworthy part.

(4) Apply corrosion preventive compound to the exposed portions of the bolts and nuts.

Note 2: Bell Helicopter Textron Alert Service Bulletin No. 230–98–13, dated April 23, 1998, pertains to the subject of this AD.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Certification Office.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Certification Office.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) This amendment becomes effective on May 5, 1999.

Note 4: The subject of this AD is addressed in Transport Canada (Canada) AD CF–98–17, dated July 15, 1998.

Issued in Fort Worth, Texas, on April 13, 1999.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 99–9825 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–1]

Revision of Class D Airspace; Fairbanks, Eielson Air Force Base (AFB), AK; Revision and Establishment of Class E Airspace; Fairbanks, Eielson AFB, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class D airspace operational times, revises and revokes current Class E airspace, and establishes additional Class E airspace at Eielson AFB, AK. The United States Air Force (USAF) requested this action in response to (1) a critical Air Traffic Control (ATC) controller shortage throughout the USAF and (2) an airspace review after redesigning their instrument approaches. Adoption of this proposal would result in the provision of a part time operation of the Class D airspace; revision of the current Class E airspace; and when the tower is closed, establishment of additional Class E airspace for Instrument Flight Rules (IFR) and Special Visual Flight Rules (VFR) operations at Eielson AFB, AK.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Derril Bergt, Operations Branch, AAL–535, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–2796; fax: (907) 271–2850; email: Derril.Bergt@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On February 1, 1999, a proposal to amend part 71 of the Federal Aviation

Regulations (14 CFR part 71) to allow the USAF to revise Class D airspace operational times, modify existing Class E airspace, and establish additional Class E airspace for IFR and Special VFR operations when the Class D airspace is inactive at Eilson AFB, AK was published in the **Federal Register** (64 FR 4793). This rule is necessary due to a critical ATC controller shortage and a redesign of the required airspace for IFR operations. This action decreases the physical dimensions of the Class D airspace from a 5.2 mile radius to a 4.7 mile radius. The following phraseology will be added to the end of the Class D airspace description: ''This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/ Facility Directory.'' This action allows part time operation of the Airport Traffic Control Tower (ATCT) at Eielson AFB, AK. The USAF plans for the Eielson AFB tower to be closed between 2300 and 0700 (local times). During this closure, the Class D airspace will convert to Class E airspace which this rule is establishing for IFR and Special VFR operations. The existing Class E airspace is revised to eliminate extensions and the result is a single 7.2 mile radius circle of Eielson AFB.

The Eielson AFB mission has changed in recent years. Present flight operations rarely exceed 16 hours per day, and quiet hours are in effect from 2200 to 0700 local times. Less than one percent of annual flight traffic occurs during the planned closure times. Eielson AFB base operations and the runway will remain a 24-hour facility. Eielson Tower will retain sufficient personnel to revert to 24-hour operations in the event of a contingency. Air traffic controllers will be on a standby schedule to provide on-call services to North American Defense (NORAD) missions, approved arrivals and departures, and emergency diverts. The USAF intends to meet all criteria to remain a viable alternate airport.

Interested parties were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. No public comments to the proposal were received. However, while stating the extensions will be eliminated, the reference for the Eielson AFB Class E airspace extensions was inadvertently omitted. The following verbiage has been added to the rule, ''Class E airspace areas extending upward from the surface designated as an extension to a Class D or Class E surface area are published in paragraph 6004,'' and ''AAL AK E4 Fairbanks, Eielson AFB, AK [Revoked].'' Additionally, the verbiage ''This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory'' was inadvertently omitted from the Class E airspace description. This verbiage is required because the time of activation is not continuous, 24 hours a day. The Federal Aviation Administration has determined that these changes are editorial in nature and will not increase the scope of this rule. Except for the non-substantive change just discussed, the rule is adopted as written.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class D airspace areas are published in paragraph 5000, Class E airspace areas designated as a surface area are published in paragraph 6002, Class E airspace areas extending upward from the surface designated as an extension to a Class D or Class E surface area are published in paragraph 6004, and Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 in FAA Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class D and Class E airspace listed in this document will be revised, revoked, and published in the Order.

The Rule

This amendment to 14 CFR part 71 allows the USAF to revise the Class D airspace operational times at Eielson AFB, AK, revokes Class E surface area extensions, revises the existing Class E airspace, and establishes Class E airspace for IFR and Special VFR operations when the Class D airspace is inactive. The intended effect of this action is to provide the USAF the flexibility to adjust the operational time of the Eielson AFB Tower and make revisions to the Class E airspace at Eielson AFB, AK.

The FAA has determined that these actions only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AAL AK D Fairbanks, Eielson AFB, AK [Revised]

Fairbanks, Eielson AFB, AK
(Lat. 64°39′56″ N, long. 147°06′05″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.7-mile radius of Eielson AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

AAL AK E2 Fairbanks, Eielson AFB, AK [New]

Fairbanks, Eielson AFB, AK
(Lat. 64°39′56″ N, long. 147°06′05″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.7-mile radius of Eielson AFB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective

date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004 Class E airspace areas extending upward from the surface designated as an extension to a Class D or Class E surface area.

* * * * *

AAL AK E4 Fairbanks, Eielson AFB, AK [Revoked]

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Fairbanks, Eielson AFB, AK [Revised]

Fairbanks, Eielson AFB, AK
(Lat. 64°39′56″ N, long. 147°06′05″ W)
That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Eielson AFB.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9780 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–25]

Revision of Class E Airspace; Port Heiden, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule modifies Class E airspace at Port Heiden, AK. The establishment of a new Micowave Landing System (MLS) instrument approaches to runway (RWY) 05 at Port Heiden, AK, made this action necessary. Adoption of this proposal will provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Port Heiden, AK.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.van.Haastert@faa.gov. Internet address: http://162.58.28.41/at or at address http://www.alaska.faa.gov/at.

SUPPLEMENTARY INFORMATION:

History

On February 1, 1999, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Port Heiden, AK, was published in the **Federal Register** (64 FR 4800). The proposal was necessary due to the establishment of MLS instrument approaches to RWY 05.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, however the coordinates for Port Heiden Airport were published with errors. The latitude coordinates are corrected to read: Lat. 56°57′34″ and the longitude coordinates are corrected to read: long. 158°37′55″. The Federal Aviation Administration has determined that these changes are editorial in nature and will not increase the scope of this rule. Except for the non-substantive change just discussed, the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace designations listed in this document will be revised and published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises the Class E airspace at Port Heiden, AK, due to the establishment of MLS instrument approaches to RWY 05. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Port Heiden, AK.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Port Heiden, AK [Revised]

Port Heiden Airport, AK
(Lat. 56°57′34″ N., long. 158°37′55″ W.)
Port Heiden NDB
(Lat. 56°57′15″ N., long. 158°38′56″ W.)
Turnbull VOR/DME
(Lat. 56°57′04″ N., long. 158°38′27″ W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Port Heiden Airport, and within 4 miles north and 8 miles south of the Port Heiden NDB 248° bearing extending from the NDB to 20 miles west, and within 8 miles west and 4 miles east of the Port Heiden NDB 339° bearing extending from the NDB to 20 miles northwest; and that airspace extending upward from 1200 feet above the surface within 13 miles west and 4 miles east of the Port Heiden NDB 339° bearing extending from the NDB to 25 miles north, and within 17 miles of the Turnbull VOR/DME extending clockwise from the 213° radial to the 074° radial, and within 9 miles north of the Port Heiden NDB 248° bearing extending from the NDB to 24 miles west.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9779 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–20]

Revision of Class E Airspace; Gambell, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule modifies Class E airspace at Gambell, AK. The establishment of Global Positioning System (GPS) instrument approaches to runway (RWY) 16 and RWY 34 at Gambell, AK, made this action necessary. Adoption of this proposal will provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Gambell, AK.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.van.Haastert@faa.gov. Internet address: http://162.58.28.41/at or at address http://www.alaska.faa.gov/at.

SUPPLEMENTARY INFORMATION:

History

On February 1, 1999, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Gambell, AK, was published in the **Federal Register** (64 FR 4799). The proposal was necessary due to the establishment of GPS instrument approaches to RWY 16 and RWY 34.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace designations listed in this document will be revised and published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises the Class E airspace at Gambell, AK, due to the establishment of GPS instrument approaches to RWY 16 and RWY 34. The intended effect of this action is to provide adequate controlled airspace for IFR operations at Gambell, AK.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Gambell, AK [Revised]

Gambell Airport, AK

(Lat. 63°46′00″ N., long. 171°43′58″ W.)

Gambell NDB/DME

(Lat. 63°46′55″ N., long. 171°44′12″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Gambell Airport and within 4 miles each side of the 174° bearing of the Gambell NDB/DME extending from the NDB/DME to 23 miles south of the NDB/DME and within 4 miles each side of the Gambell NDB/DME 354° bearing extending from the 6.4-mile radius to 10.6 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles west and 4 miles east of the 354° bearing of the Gambell NDB/DME extending from the NDB/DME to 16 miles north of the NDB/DME and within 25 miles of the NDB/DME clockwise between the 006° and 227° bearings of the NDB/DME.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9775 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–21]

Establishment of Class E Airspace; Barter Island, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Barter Island, AK. The establishment of Global Positioning System (GPS) and Nondirectional Radion Beacon (NDB) instrument approaches to runway (RWY) 06 and RWY 24 at Barter Island, AK, have made this action necessary. Adoption of this proposal will provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Barter Island, AK.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number: (907) 271–5863; email: Robert.van.Haastert@faa.gov; Internet: http://www.alaska.faa.gov/at or at http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On December 16, 1998, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Barter Island, AK, was published in the **Federal Register** (63 FR 69230). The proposal was necessary to due to the establishment of GPS instrument approaches to RWY 06 and RWY 24. The effect of this proposal is to provide adequate controlled airspace for IFR operations at Barter Island, AK.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as a 700/1200 foot transition area, are published in paragraph 6005 in FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace listed in this document will be published in the Order.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Barter Island, AK [New]

Barter Island Airport, AK
(Lat. 70°08′02″ N., long. 143°34′55″ W.)
Barter Island NDB
(Lat. 70°07′50″ N., long. 143°38′38″ W.)

That airspace extending upward from 700 feet above the surface within a 4.7 mile radius of the Barter Island Airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 70°17′07″ N., long. 142°47′30″ W. to lat. 69°59′40″ N., long. 142°55′45″ W. to lat. 69°41′50″ N., long. 143°39′55″ W. to lat. 69°42′25″ N., long. 144°03′50″ W. to lat. 70°05′20″ N., long. 144°30′00″ W. to lat. 70°14′31″ N., long. 144°35′00″ W., thence east 12 miles away and parallel to the shoreline to the point of beginning.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9773 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–22]

Revision of Class E Airspace; Soldotna, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Class E airspace at Soldotna, AK. The establishment of Global Positioning System (GPS) instrument approaches to runway (RWY) 07 and RWY 25 at Soldotna, AK, have made this action necessary. Adoption of this proposal will provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Soldotna, AK.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number: (907) 271–5863; email: Robert.van.Haastert@faa.gov; Internet: http://www.alaska.faa.gov/at or at http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

On December 16, 1998, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Soldotna, AK, was published in the **Federal Register** (63 FR 69231). The proposal was necessary due to the establishment of GPS instrument approaches to RWY 07 and RWY 25. The effect of this proposal is to provide adequate controlled airspace for IFR operations at Soldotna, AK.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, thus the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as a 700/1200 foot transition area, are published in paragraph 6005 in FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace listed in this document will be revised and published in the Order.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a

routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Soldotna, AK

Soldotna Airport, AK
(Lat. 60°28′34″ N., long. 151°01′57″ W.)
Kenai VOR/DME
(Lat. 60°36′53″ N., long. 151°11′43″ W.)
Soldotna NDB
(Lat. 60°28′30″ N., long. 150°52′44″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Soldotna Airport and within 4 miles each side of the 150° and 330° radial of the Kenai VOR/DME extending from the 6.4-mile radius airport to 10 miles west of the airport and within 4 miles either side of the 270° bearing from the Soldotna NDB extending from the 6.4-mile radius to 21 miles west of the airport and within 4.6 miles north and 4 miles south of the 090° bearing from the Soldotna NDB extending from the 6.4-mile radius to 14.3 miles east of the airport.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9772 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–3]

Amendment to Class E Airspace; Newton, KS

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Newton, KS.

DATES: The direct final rule published at 64 FR 8502 is effective on 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 22, 1999 (64 FR 8502). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 20, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on April 2, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9794 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–8]

Amendment to Class E Airspace, Springfield, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revises Class E airspace at Springfield, MO.

DATES: The direct final rule published at 64 FR 8504 is effective on 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 22, 1999 (64 FR 8504). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advise the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 20, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on April 2, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9793 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–9]

Amendment to Class E Airspace; Kirksville, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of direct final rule which revises Class E airspace at Kirksville, MO.

DATES: The direct final rule published at 64 FR 8505 is effective on 0901 UTC, May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division,

Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 425–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 22, 1999 (64 FR 8505). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 20, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on April 2, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9792 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–12]

Amendment to Class E Airspace; West Union, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at George L. Scott Municipal Airport, West Union, IA. The FAA has developed Global Positioning System (GPS) Runway (RWY) 17 and GPS RWY 35, Standard Instrument Approach Procedures (SIAPs) to serve George L. Scott Municipal Airport, IA. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 17 and GPS RWY 35 SIAPs in controlled airspace.

In addition, a minor revision to Airport Reference Point (ARP) is included in this document.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 17 and GPS RWY 35 SIAPs, amend the ARP, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, July 15, 1999.

Comments for inclusion in the Rules Docket must be received on or before May 20, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–12, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 17 and GPS RWY 35 SIAPs to serve the George L. Scott Municipal Airport, West Union, IA.

The amendment to Class E airspace at West Union, IA, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. The ARP is amended and included in this document. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are ivnited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following

statement is made: ''Comments to Docket No. 99–ACE–12.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adoipted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlilkely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, with not have a significant economic impact, postive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, as amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E West Union, IA [Revised]

West Union, George L. Scott Municipal Airport, IA
(Lat. 42°59′06″ N., long. 91°47′26″ W.)
West Union NDB
(Lat. 42°56′38″ N., long 91°46′57″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Geoerge L. Scoot Municipal Airport and within 2.6 miles each side of the 172° bearing from the west union NDB extending from the 6.4.-mile radius to 9.2 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on March 24, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Office Regulations.

[FR Doc. 99–9791 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–13]

Amendment to Class E Airspace; Cresco, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Ellen Church Field, Cresco, IA. The FAA has developed Global Positioning System (GPS) Runway (RWY) 15 and GPS RWY 33, Standard Instrument Approach Procedures (SIAPs) to serve Ellen Church Field, IA. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 15 and GPS RWY 33 SIAPs in controlled airspace.

In addition, minor revision to Airport Reference Point (ARP) is included in this document.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 15 and GPS RWY 33 SIAPs, amend the ARP, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, July 15, 1999.

Comments for inclusion in the Rules Docket must be received on or before May 20, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–13, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 15 and GPS RWY 33 SIAPs to serve the Ellen Church Field, Cresco, IA.

The amendment to Class E airspace at Cresco, IA, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument flight Rules. The ARP is amended and included in this document. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received with the comment period, the regulation

will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–13.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Cresco, IA [Revised]

Cresco, Ellen Church Field, IA
(Lat. 43°21′55″ N., long. 92°07′59″ W.)
Cresco NDB
(Lat. 43°21′58″ N., long. 92°07′52″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Ellen Church Field and within 2.6 miles each side of the 162° bearing from the Cresco NDB extending from the 6.3-mile radius to 7.4 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on March 24, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9790 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–15]

Amendment to Class E Airspace; Rock Rapids, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Rock Rapids Municipal Airport, Rock Rapids, IA. The FAA has developed Global Positioning System (GPS) Runway (RWY) 16 and GPS RWY 34 Standard Instrument Approach Procedures (SIAPs) to serve Rock Rapids Municipal Airport, IA. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 16 and GPS RWY 34 SIAPs in controlled airspace.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing GPS RWY 16 and GPS RWY 34 SIAPs, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, July 15, 1999.

Comments for inclusion in the Rules Docket must be received on or before May 26, 1999

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–15, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours

in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 16 and GPS RWY 34 SIAPs to serve the Rock Rapids Airport, Rock Rapids, IA. The amendment to Class E airspace at Rock Rapids, IA, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules.

The amendment at Rock Rapids Municipal Airport, IA, will provide additional controlled airspace for aircraft operating under IFR. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 19998, and effective September 16, 1998, which is incorporated by reference in 14 CFR.71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous action of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–15.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in advance or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p.389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Rock Rapids, IA [Revised]

Rock Rapids Municipal Airport, IA
(Lat. 43°27′08″ N., long. 96°10′47″ W.)
Rock Rapids NDB
(Lat. 43°27′04″ N., long. 96°10′41″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Rock Rapids Municipal Airport and within 2.6 miles each side of the 347° bearing from the Rock Rapids NDB extending from the 6.3-mile radius to 7.4 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO, on March 26, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9789 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–16]

Amendment to Class E Airspace; Shenandoah, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Shenandoah Municipal Airport, Shenandoah, IA. A review of the Class E airspace area for Shenandoah Municipal Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D.

In addition, the Airport Reference Point (ARP) is amended and is included in this document.

The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), amend the ARP, and comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, July 15, 1999.

Comments for inclusion in the Rules Docket must be received on or before May 10, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–16, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m, Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Shenandoah, IA. A review of the Class E airspace for Shenandoah Municipal Airport indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the ARP to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Shenandoah Municipal Airport, IA, will provide additional controlled airspace for aircraft operating under IFR, amend the ARP, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–16.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result to adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory

Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administrations amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS: ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Shenandoah, IA [Revised]

Shenandoah Municipal Airport, IA
(Lat. 40°45′05″ N., long. 95°24′48″ W.)
Shenandoah NDB
(Lat. 40°45′25″ N., long. 95°24′57″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Shenandoah Municipal Airport and within 2.6 miles each side of the 140° bearing from the Shenandoah NDB extending from the 6.4-mile radius to 7.4 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on March 23, 1999.

Christopher R. Blum,

Acting, Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9788 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–17]

Amendment to Class E Airspace; Clarinda, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Clarinda, Schenck Field, IA. A review of the Class E airspace area for Clarinda, IA, indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D.

The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), and comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, July 15, 1999.

Comments for inclusion in the Rules Docket must be received on or before May 26, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–17, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace area at Clarinda, IA. A review of the Class E airspace for Schenck Field, IA, indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Clarinda, IA, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipated that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designation an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicting that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting

such written data, views, or arguments as they may desire. Communications should identity the Rule Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determing whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–17.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Clarinda, IA [Revised]

Clarinda, Schenck Field, IA
(Lat. 40°43′22″ N., long. 95°01′34″ W.)
Clarinda NDB
(Lat. 40°43′36″ N., long. 95°01′39″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Schenck Field and within 2.6 miles each side of the 170° bearing from the Clarinda NDB extending from the 6.5-mile radius to 7 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on March 30, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9787 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–20]

Amendment to Class E Airspace; Macon, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Macon-Fowe Municipal Airport, Macon, MO. A review of the Class E airspace area for Macon-Fower Municipal Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR), and comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, July 15, 1999. Comments for inclusion in the Rules Docket must be received on or before May 24, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–20, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Macon, Mo. A review of the Class E airspace for Macon-Fower Municipal Airport indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Macon-Fower Municipal Airport, MO, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the

surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–20.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 Macon, MO [Revised]

Macon-Fower Municipal Airport, MO
(Lat. 39°43′40″ N., long. 92°27′26″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Macon-Fower Municipal Airport.

* * * * *

Issued in Kansas City, MO, on March 22, 1999.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9786 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–04]

Revision of Class E Airspace; Lake Charles, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; correction.

SUMMARY: This action corrects an error in the legal description of a direct final rule that was published in the **Federal Register** on April 1, 1999 (64 FR 15676) and revised the Class E Airspace at Lake Charles, LA.

EFFECTIVE DATE: 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 99–8018, Airspace Docket No. 99–ASW–04, published on April 1, 1999 (64 FR 15676), revised the description of the Class E airspace area at Lake Charles,

LA. However, an error was made in the legal description for the Lake Charles, LA Class E airspace area. The location of the Sulphy nondirectional radio beacon (NDB) and the legal description of the Class E airspace area relating to the Sulphy NDB were omitted. This action corrects these errors.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the legal description of the Class E airspace area at Lake Charles, LA, as published in the **Federal Register** on April 1, 1999 (64 FR 15676), is corrected as follows:

§ 71.1 [Corrected]

* * * * *

ASW LA E5 Lake Charles, LA [Corrected]

Lake Charles Regional Airport, LA
(Lat. 30°07′34″N., long. 93°13′24″W.)
Lake Charles, Chennault International Airport, LA
(Lat. 30°12′25″N., long. 93°08′37″W.)
Sulphur, Southland Field, LA
(Lat. 30°07′53″N., long. 93°22′34″W.)
Sulphy NDB
(Lat. 30°11′55″N., long. 93°25′14″W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Lake Charles Regional Airport and within a 7-mile radius of Chennault International Airport and within 3.5 miles each side of the 155° bearing from the airport extending from the 7-mile radius to 16.7 miles southeast of the airport and within a 6.5-mile radius of Southland Field and within 2.5 miles each side of the 326° bearing from the Sulphy NDB extending from the 6.5-mile radius to 7.5 miles northwest of the airport.

* * * * *

Issued in Fort Worth, TX on April 13, 1999.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 99–9883 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 312

[Docket No. 98N–0979]

RIN 0910–AA84

Investigational New Drug Applications; Clinical Holds; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) published in the **Federal Register** of December 14, 1998 (63 FR 68676), a direct final rule. The direct final rule amends FDA's regulations governing investigational new drug applications (IND's) for human drug and biological products. This action amends the IND clinical hold requirements to state that the agency will respond in writing to a sponsor's request that a clinical hold be removed from an investigation within 30-calendar days of the agency's receipt of the request and the sponsor's complete response to the issue(s) that led to the clinical hold. This document confirms the effective date of the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule published at 63 FR 68676 is confirmed as April 28, 1999.

FOR FURTHER INFORMATION CONTACT:

Murray M. Lumpkin, Center for Drug Evaluation and Research (HFD–2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5400, or

Rebecca A. Devine, Center for Biologics Evaluation and Research (HFM–10), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0373.

SUPPLEMENTARY INFORMATION: FDA solicited comments concerning the direct final rule for a 75-day period ending March 1, 1999. FDA stated that the effective date of the direct final rule would be on April 28, 1999, 60 days after the end of the comment period, unless any significant adverse comment was submitted to FDA during the comment period. FDA did not receive any significant adverse comments.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs, notice is given that no objections were filed in response to the December 14, 1998, final rule. Accordingly, the amendments issued thereby are effective April 28, 1999.

Dated: April 13, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–9768 Filed 4–19–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Part 1327

[Docket No. NHTSA–98–5084]

RIN 2127–AH54

Procedures for Participating in and Receiving Data From the National Driver Register Problem Driver Pointer System

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: This final rule announces that changes made to NHTSA's National Driver Register (NDR) regulations, through an interim final rule implementing a recent amendment to the National Driver Register Act of 1982 (the Act), are adopted as final with some changes described below. The amendment to the Act authorized the Commandant of the United States Coast Guard to request and receive information from the NDR regarding the motor vehicle driving records of any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing, and any member of a uniformed service who is assigned to the Coast Guard). NHTSA's interim final rule established the procedures for such individuals to request, and for the Commandant to receive, NDR information. This final rule also puts in place technical amendments affecting the National Driver Register Act of 1982 contained in the Transportation Equity Act for the 21st Century (TEA–21).

DATES: This final rule becomes effective May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. William Holden, Chief, Traffic Records and Driver Register Division, NTS–32. National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590; telephone (202) 366–4800 or Ms. Heidi L. Coleman, Assistant Chief Counsel for General Law, NCC–30, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590; telephone (202) 366–1834.

SUPPLEMENTARY INFORMATION:

Background

The NDR is a central file of information on individuals whose license to operate a motor vehicle has been denied, revoked, suspended or canceled, for cause, or who have been

convicted of certain serious traffic-related violations such as racing on the highways or driving while impaired by alcohol or other drugs.

The NDR Act of 1982, 49 U.S.C. 30301 *et seq.*, authorizes State chief driver licensing officials to request and receive information from the NDR for driver licensing and driver improvement purposes. When an individual applies for a driver's license, for example, the Act authorizes the chief driver licensing official in the State to request and receive NDR information in order to determine whether the applicant's driver's license has been withdrawn for cause in any other State. Because the NDR is a national database, State chief driver licensing officials need to submit only a single inquiry to obtain this information.

The Act also authorizes State chief driver licensing officials to request NDR information on behalf of other NDR users for transportation safety purposes. Until October 1996, the Act authorized the following entities to receive NDR information through requests to State chief driver licensing officials for the limited purpose of transportation safety: the National Transportation Safety Board (NTSB) and the Federal Highway Administration (FHWA) for accident investigations; employers and prospective employers of motor vehicle operators; the Federal Aviation Administration (FAA) regarding any individual who holds or has applied for an Airman's Certificate; air carriers regarding individuals who are seeking employment with the air carrier; the Federal Railroad Administration (FRA) and employers or prospective employers of locomotive operators; and the U.S. Coast Guard regarding any individual who holds or who has applied for a license, certificate of registry, or a merchant mariner's document. The Act also provided that the U.S. Coast Guard could not obtain NDR information that was entered in the register more than three years before the date of the request. In addition, the Act allowed individuals to learn whether information about themselves was in the NDR file and to receive any such information.

Expanded Access to the Coast Guard

On October 19, 1996, Public Law 104–324 was enacted. Section 207 of that law contained an amendment to the Act authorizing the Commandant of the Coast Guard to request and receive NDR information regarding any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing, and any member of a uniformed service who is assigned to the Coast Guard).

On December 2, 1997 (62 FR 63655), NHTSA published an interim final rule in the **Federal Register** amending the regulations that implement the Act. The interim final rule provided that the procedures that the Commandant of the Coast Guard would use to receive NDR information on Coast Guard personnel would be the same as those previously used by the Coast Guard to receive information regarding individuals who hold or who have applied for a license, certificate of registry, or a merchant mariner's document.

The interim final rule explained that the Commandant of the Coast Guard may not initiate a request for NDR information. Rather, the individual member or applicant must do so. The interim final rule stated that to initiate a request, the individual must either complete, sign, and submit a request for an NDR file search, or the individual must authorize the Commandant of the Coast Guard to request the NDR file search by completing and signing a written consent. The request or written consent must explain that NDR records are being requested; state specifically who is authorized to receive the records; be dated and signed by the individual (the member or applicant); and specifically state that the authorization is valid for only one search of the NDR. The consent also must state specifically that the NDR identifies ''probable'' matches that require further inquiry for verification, that it is recommended (but not required) that the Commandant of the Coast Guard verify matches with the State of record, and the consent must explain that individuals have the right to request their own NDR records in order to verify the accuracy of that information.

The interim final rule indicated that the Commandant of the Coast Guard may receive such information and shall make the information available to the individual. The interim final rule provided that the Commandant will not receive any information that was entered in the Register more than three years before the date of the request, unless the information relates to a revocation or suspension still in effect on the date of the request.

The interim final rule stated, in accordance with Public Law 104–324, that requests to transmit NDR information to the Commandant were to be submitted through a State chief driver licensing official.

The interim rule explained that the NDR response would be sent to the chief driver licensing official who would provide it to the Commandant and would indicate whether a match (probable identification) was found and, if so, the response would identify the State in which the full substantive record can be found (the State of record). The interim final rule encouraged the Commandant to obtain the substantive data relating to the match from the State of record to determine whether the person described in the record is in fact the subject individual before taking further action.

Request for Comments

NHTSA requested comments from interested persons on the procedures put in place by the interim final rule published in the **Federal Register** on December 2, 1997. Those comments were due no later than February 2, 1998. The interim final rule explained that the agency would consider and respond to all comments and, if appropriate, would make further amendments to the applicable provisions of 23 CFR Part 1327. Since NHTSA received no comments on the interim final rule, this final rule adopts the interim final rule subject to the changes described below, which NHTSA is adopting in conformance with the amendments to the Act contained in TEA–21.

TEA–21 Amendments

The Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, was signed into law on June 9, 1998. Section 2006 of the law contained amendments to the access provisions of the NDR Act of 1982, as amended, 49 U.S.C. 30305(b).

Federal Transportation Licensing Officials

TEA–21 amended the NDR Act of 1982 to permit the head of a Federal department or agency that issues motor vehicle operator's licenses, such as the State Department, to receive NDR information. This final rule puts in place this change to the NDR procedures.

Other Federal Entities Can Directly Request NDR Information for Limited Transportation Safety Purposes

The TEA–21 amendments also provide that any Federal department or agency authorized to receive NDR information may request NDR information directly from the NDR, rather than requesting the information through State chief driver licensing officials. These Federal departments and agencies now include: the Chairman of the National Transportation Safety Board (NTSB) and the Administrator of the Federal Highway Administration

(FHWA) regarding an individual who is the subject of an accident investigation conducted by the Board or Administrator; the Federal Aviation Administration (FAA) regarding an individual who has received or applied for an Airman's Certificate; the Federal Railroad Administration (FRA) regarding a locomotive operator; the Commandant of the United States Coast Guard regarding an individual who holds or who has applied for a license, certificate of registry, or a merchant mariner's document, and also regarding any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing, and any member of a uniformed service who is assigned to the Coast Guard); and the head of a Federal department or agency that issues motor vehicle operator's licenses regarding an applicant for a motor vehicle operator's license from such department or agency.

As a result of this change, these Federal departments and agencies have a choice between continuing to request NDR information through State driver licensing officials or, alternatively, requesting the NDR information themselves, directly from the NDR.

This final rule incorporates this change into the NDR implementing regulations. The change is expected to reduce administrative burdens on both these Federal entities and the participating States with respect to requests for and the receipt of NDR information.

Suspensions or Revocations Still in Effect

Prior to the enactment of TEA–21, the Act provided that employers or prospective employers of motor vehicle operators could not receive NDR information that was entered into the Register more than three years before the date of the request. Other requesters, such as the Commandant of the U.S. Coast Guard, were subject to the same restraints, except that these entities could receive NDR information received more than three years prior to the date of the request if the information concerned a suspension or revocation still in effect on the date of the request.

TEA–21 amended the Act to apply this exception to employers and prospective employers of motor vehicle operators. This final rule effects this change to the NDR implementing regulations.

Other Changes

This final rule also amends the NDR regulations with non-substantive changes designed to simplify the regulations, reduce redundancies, and make the regulations easier to follow.

Regulatory Analyses and Notice

Executive Order 12778 (Civil Justice Reform)

This final rule will not have any preemptive or retroactive effect. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or other administrative proceedings before they may file suit in court.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The agency has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or Department of Transportation Regulatory Policies and Procedures. The changes in this interim final rule merely reflect amendments contained in Public Law 104–324. Accordingly, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Public Law 96–354, 5 U.S.C. 601–612), the agency has evaluated the effects of this action on small entities. Based on the evaluation, we certify that this action will not have a significant impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Paperwork Reduction Act

There are reporting requirements contained in the regulation that this rule is amending that are considered to be ''collection of information'' requirements, as defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. Accordingly, these requirements have been submitted previously to and approved by OMB, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*). These requirements have been approved through September 30, 2000, under OMB No. 2127–0001.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it will not have any significant impact on the quality of the human environment.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

List of Subjects in 23 CFR Part 1327

Highway safety, Intergovernmental relations, National Driver Register, Reporting and recordkeeping requirements, Transportation safety.

In consideration of the foregoing, the interim final rule published in the **Federal Register** of December 2, 1997, 62 CFR 63655, amending 23 CFR Part 1327, is adopted as final, with the following changes:

PART 1327—PROCEDURES FOR PARTICIPATING IN AND RECEIVING INFORMATION FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

1. The authority citation for part 1327 continues to read as follows:

Authority: Pub. L. 97–364, 96 Stat. 1740, as amended (49 U.S.C. 30301 *et seq.*); delegation of authority at 49 CFR 1.50.

§ 1327.5 [Amended]

2. Amend § 1327.5 as follows:

a. Paragraph (a)(1)(ii) is amended by revising ''ii)'' to read ''(ii)'';

b. Paragraph (c)(2) introductory text is amended by adding a sentence at the end to read as set forth below; and

c. Redesignating paragraph (c)(3) as paragraph (c)(4) and by adding a new paragraph (c)(3) to read as follows:

§ 1327.5 Conditions for becoming a participating State.

* * * * *

(c) * * *

(2) * * * Information may not be obtained from the National Driver Register under this paragraph (c) if the information was entered in the Register more than three years before the date of the request unless the information is about a revocation or suspension still in effect on the date of the request.

* * * * *

(3) The head of a Federal department or agency that issues motor vehicle operator's licenses about an individual applicant for a motor vehicle operator's license from such department or agency. The head of the department or agency may request NDR information through the chief driver licensing official of a State and may receive the information, provided the requesting Federal department or agency participates in the NDR as a reporting agency.

(i) A reporting agency is an agency that transmits to the NDR a report regarding any individual who has been denied a motor vehicle operator's license for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle related offenses listed in paragraph (a)(1)(iii) of this section and Appendix A to this part and over whom the department or agency has licensing authority.

(ii) All reports transmitted by a reporting agency shall contain the following data:

(A) The legal name, date of birth (including day, month, and year), sex, and, if available to the agency, height, weight, and eye color;

(B) The name of the agency transmitting such information; and

(C) The social security account number, if used by the reporting agency for driver record or motor vehicle license purposes, and the motor vehicle operator's license number of such individual (if that number is different from the operator's social security account number); except that

(D) Any report concerning an occurrence identified in paragraph (c)(3)(i) of this section which occurs during the two-year period preceding the date on which the agency becomes a participating agency shall be sufficient if it contains all such information as is available to the agency on such date.

* * * * *

3. Section 1327.6 is amended by redesignating paragraphs (g) and (h) as paragraphs (h) and (i), by revising paragraphs (a) through (f), and by adding a new paragraph (g) to read as follows:

§ 1327.6 Conditions and procedures for other authorized users of the NDR.

(a) *NTSB and FHWA.* To initiate an NDR file check before a fully electronic Register system has been established, the National Transportation Safety Board or the Federal Highway Administration (Office of Motor Carriers) shall submit a request for such check to the State with which previous arrangements have been made, in accordance with procedures established by that State for this purpose. To initiate an NDR file check once a fully electronic Register system has been established, the NTSB or FHWA shall submit a request for such check to the participating State with which previous arrangements have been made, in accordance with procedures established by that State for this purpose. The NTSB or FHWA may also submit a request for an NDR file check to the NDR directly.

(b) *Federal departments or agencies that issue motor vehicle operator's licenses.* To initiate an NDR file check, a Federal department or agency that issues motor vehicle operator's licenses shall submit a request for such check to a participating State, in accordance with procedures established by that State for this purpose. The Federal department or agency that issues motor vehicle operator's licenses may also submit a request for an NDR file check to the NDR directly, in accordance with procedures established by the NDR for that purpose.

(c) *Employers or prospective employers of motor vehicle operators (including Federal Agencies).* (1) To initiate an NDR file check, the individual who is employed or seeking employment as a motor vehicle operator shall follow the procedures specified in § 1327.7.

(2) Upon receipt of the NDR response, the employer/prospective employer shall make the information available to the employee/prospective employee.

(3) In the case of a match (probable identification), the employer/prospective employer should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the employee/prospective employee before using the information as the basis for any action against the individual.

(d) *Federal Aviation Administration.* (1) To initiate an NDR file check, the individual who has applied for or received an airman's certificate shall follow the procedures specified in § 1327.7.

(2) Upon receipt of the NDR response, the FAA shall make the information available to the airman for review and written comment.

(3) In the case of a match (probable identification), the FAA should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the airman concerned before using the information as the basis of any action against the individual.

(e) *Federal Railroad Administration and/or employers or prospective employers of railroad locomotive operators.* (1) To initiate an NDR file check, the individual employed or seeking employment as a locomotive operator shall follow the procedures specified in § 1327.7.

(2) Upon receipt of the NDR response, the FRA or the employer/prospective employer, as applicable, shall make the information available to the individual.

(3) In the case of a match (probable identification), the FRA or the employer/prospective employer, as applicable, should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the individual concerned before using the information as the basis of any action against the individual.

(f) *U.S. Coast Guard.* (1) To initiate an NDR file check, the individual who holds or who has applied for a license, certificate of registry, or a merchant mariner's document or the officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve shall follow the procedures specified in § 1327.7.

(2) Upon receipt of the NDR response, the U.S. Coast Guard shall make the information available to the individual for review and written comment before denying, suspending or revoking the license, certificate of registry, or merchant mariner's document of the individual based on that information and before using that information in any action taken under chapter 77 of title 46, U.S. Code.

(3) In the case of a match (probable identification), the U.S. Coast Guard should obtain the substantive data relating to the record from the State of Record and verify that the person named on the probable identification is in fact the individual concerned before using the information as the basis of any action against the individual.

(g) *Air carriers.* (1) To initiate an NDR file check, the individual seeking employment as a pilot with an air carrier shall follow the procedures specified in § 1327.7 and also must specifically state that, pursuant to Section 502 of the Pilot Records Improvement Act of 1996, Public Law 104–264, 110 Stat. 3259 (49 U.S.C. 30305), the request (or written consent) serves as notice of a request for NDR information concerning the individual's motor vehicle driving record and of the individual's right to receive a copy of such information.

(2) Air carriers that maintain, or request and receive NDR information about an individual must provide the individual a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

(3) In the case of a match (probable identification), the air carrier should obtain the substantive data relating to the record from the State of Record and

verify that the person named on the probable identification is in fact the individual concerned before using the information as the basis of any action against the individual.

* * * * *

4. Add a new section, 1327.7, to read as follows:

§ 1327.7 Procedures for NDR information requests.

(a) To initiate an NDR file check, an individual who is employed or seeking employment as a motor vehicle operator; who has applied for or received an airman's certificate; who is employed or seeking employment as a locomotive operator; who holds or has applied for a license, certificate of registry, or a merchant mariner's document or is an officer, chief warrant officer, or enlisted member of the U.S. Coast Guard or Coast Guard Reserve; or who is seeking employment as a pilot with an air carrier; shall either:

(1) Complete, sign and submit a request for an NDR file check directly to the chief driver licensing official of a participating State in accordance with procedures established by that State for this purpose; or

(2) Authorize, by completing and signing a written consent, the authorized NDR user to request a file check through the chief driver licensing official of a participating State in accordance with the procedures established by that State for this purpose.

(b) If the authorized NDR user is an employer or prospective employer of a motor vehicle operator, the request for an NDR file check must be submitted through the chief driver licensing official of the State in which the individual is licensed to operate a motor vehicle.

(c) If the authorized NDR user is the head of a Federal department or agency, the request for an NDR file check may be submitted instead directly to the NDR in accordance with procedures established by the NDR for this purpose.

(d) The request for an NDR file check or the written consent, whichever is used, must:

(1) State that the NDR records are to be released;

(2) State as specifically as possible who is authorized to receive the records;

(3) Be signed and dated by the individual (or the individual's legal representative as appropriate);

(4) Specifically state that the authorization is valid for only one search of the NDR; and

(5) Specifically state that the NDR identifies probable matches that require further inquiry for verification; that it is recommended, but not required, that the employer/prospective employer verify matches with the State of Record; and that individuals have the right to request records regarding themselves from the NDR to verify their accuracy.

Issued on: April 13, 1999.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 99–9653 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF JUSTICE

28 CFR Part 77

[AG Order No. 2216–99]

Ethical Standards for Attorneys for the Government

AGENCY: Department of Justice.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule supersedes the Department of Justice regulations relating to Communications with Represented Persons and implements 28 U.S.C. 530B pertaining to ethical standards for attorneys for the government. Under that provision, an attorney for the Government shall be subject to State laws and rules, and local federal court rules governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. This rule fulfills the Attorney General's obligation under section 530B and provides guidance to all Department of Justice employees who are subject to section 530B regarding their obligations and responsibilities under this new provision.

DATES: *Effective Date:* This interim rule is effective April 19, 1999.

Comment Date: Written comments must be submitted on or before June 21, 1999.

ADDRESSES: Please submit written comments, in triplicate, to Department of Justice, Justice Management Division, 950 Pennsylvania Ave., NW., Room 1110, Washington, DC 20530–0001 Attn: Juliet A. Eurich. To ensure proper handling, please refer to 28 U.S.C. 530B on your correspondence. Comments are available for public inspection at the above address by calling 202–353–7300 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Juliet A. Eurich, Justice Management Division, Department of Justice, 202–353–7300.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1998, the President signed the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105–277. Division A, section 801 of that Act enacted into law 28 U.S.C. 530B, entitled ''Ethical Standards for Federal Prosecutors.'' That statute provides as follows:

''(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

(c) As used in this section, the term ''attorney for the Government'' includes any attorney described in § 77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also includes any independent counsel, or employees of such a counsel, appointed under chapter 40.''

Absent further congressional action, 28 U.S.C. 530B will become effective on April 19, 1999.

The Department is publishing this interim rule to meet the requirement of section 530B(b) that the Attorney General ''make and amend rules * * * to assure compliance'' with the legislation. Section 530B adopts the definition of the ''attorney for the government'' that was contained in § 77.2(a) of part 77 (now replaced), with the exception that the scope of the definition has been expanded to include an independent counsel, or employee of such counsel, appointed pursuant to chapter 40 of title 28, United States Code. As made clear by this definition, section 530B applies only to Department of Justice attorneys and attorneys acting pursuant to Department authorization. It does not apply to investigative agents (even if they are attorneys), although, under the regulations, agents operating under the direction of a covered attorney will be required to conform their conduct if so required by the ethical rules that apply to the attorney. Section 530B also does not apply to attorneys in other federal government agencies, unless they are appointed as Special Assistant United States Attorneys.

The Department has concluded that the text, title, and legislative history demonstrate that Section 530B applies only to rules of ethical conduct, such as codes of professional responsibility

adopted by states or federal courts. Neither the Act nor its legislative history suggests that Section 530B should be interpreted to provide that state rules of evidence or procedure or state substantive law will supersede the Federal Rules of Evidence, the Federal Rules of Civil, Criminal, and Appellate Procedure, or the provisions of federal substantive law. *See United States* v. *Lowery,* 166 F.3d 1119 (11th Cir. 1999) (interpreting Section 530B, prior to its effective date, and rejecting the argument that, under Section 530B, state rules of professional responsibility govern admission of evidence in federal court). Accordingly, Department attorneys who are conducting investigations under federal law or litigation in the federal courts are not required to comply with state rules of evidence or procedure or state substantive law. Similarly, the Department has also concluded that section 530B does not provide authority for state bars or federal courts to enact substantive or procedural rules in the guise of ethics rules or to exceed otherwise applicable regulatory, statutory, or constitutional limits on their ability to promulgate rules.

Under various federal statutes, the Attorney General has the authority to assign any officer of the Justice Department to appear on behalf of the United States in any case in any court in the United States, so long as that attorney is duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia. See 28 U.S.C. 509, 510, 515(a), 516, 517, 519, 533, 547; Pub. L. 96–132, 93 Stat. 1040, 1044 (1979); and Pub. L. 105–277, section 102 of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1999. Section 530B does not alter, amend, or supersede those statutes, or in any way interfere with the Attorney General's authority to determine who may represent the United States in any proceeding.

Section 530B directs Department attorneys to comply with rules of ethical conduct, but is silent on enforcement mechanisms. For this reason, section 530B does not change the enforcement authority of the Department of Justice's Office of Professional Responsibility, state authorities, or the federal courts. Furthermore, the Department has determined that Section 530B does not create new enforceable rights for litigants against the federal government. This comports with the long line of judicial authority holding that violations of rules of professional responsibility do not create private rights. *See United States* v. *Lowery,* 166 F.3d 1119, 1124 (11th Cir. 1999) (section 530B does not change pre-existing principle that ''state rule[s] of professional conduct cannot provide an adequate basis for a federal court to suppress evidence that is otherwise admissible''); *United States* v. *Balter,* 91 F.3d 427, 436 n.7 (3rd Cir.) (noting that even if Rule 4.2 applied to preindictment contracts, suppression would not be appropriate), *cert. denied,* 117 S.Ct. 517 (1996); *United States* v. *Heinz,* 983 F.2d 609, 613–14 (5th Cir. 1993) (rejecting proposition that suppression would be an appropriate remedy for violation of Rule 4.2); *Zambrano* v. *City of Tustin,* 885 F.2d 1473, 1475 n.4 (9th Cir. 1989) (district court should not have declared mistrial based on ethical lapses of attorneys); *United States* v. *Dennis,* 843 F.2d 652, 657 (2nd Cir. 1988) (sanction for ethical violations ''should be disciplinary action,'' not adverse consequences in criminal litigation); *Johnson* v. *Cadillac Plastic Group, Inc.,* 930 F.Supp. 1437, 1442 (D.Colo. 1996) (exclusion of evidence in a civil case is ''an inappropriate remedy'' for alleged violation of Rule 4.2).

Section 530B(a) directs Department attorneys to comply with rules of ethical conduct ''in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.'' The Department has concluded that section 530B does not authorize state authorities to impose stricter rules on Department attorneys than on other attorneys and in no way alters prevailing state and federal court rules of ethical conduct that provide exceptions for the conduct of government attorneys.

Department attorneys represent the United States in courts throughout the country, and also supervise or otherwise participate in investigations that cross state lines. Determining what rules apply to particular conduct presents the most complex issues from both an interpretation and an application standpoint, especially in instances involving Department attorneys stationed in litigating components of the Department of Justice in Washington, DC who investigate and litigate cases in numerous jurisdictions around the country and in cases where Department attorneys are licensed in one state and are stationed or conducting litigation in another jurisdiction. As has frequently been recognized, ''existing authority as to (the) choice of law in the area of ethics rules is unclear and inconsistent.'' ABA Committee Report Explaining 1993 Amendment to Rule 8.5.

In crafting implementing regulations, the Department sought to be consistent with the statute's language and its legislative history by attempting to ensure that Department attorneys face obligations similar to, but not greater than, those faced by non-Department attorneys. The regulations thus recognize that attorneys are principally subject to discipline by their state of licensure and the courts before which they practice. Thus, although Department attorneys are also subject to discipline by the Office of Professional Responsibility, the regulations generally direct Department attorneys to look, according to the circumstances, to the rules of the court before which they are appearing and the rules of their licensing jurisdiction.

Consequently, the Department crafted regulations that (1) seek to define the statutory language in a reasonable way, consistent with settled principles of statutory construction and the legislative history of section 530B, and (2) identify issues that Department attorneys should examine when faced with a question about what state's rule applies. The Department has concluded that the regulations comply with section 530B's statutory directive to make regulations that will assure compliance with the statute and, at the same time, provide reasonable protection for any Department attorney who makes a good faith attempt to determine what state's ethics rules apply and to comply with those ethics rules. The decision to replace the Department's regulation on contacts with represented parties does not constitute a determination that any of the conduct previously authorized by those regulations is impermissible.

The regulations generally direct Department attorneys to comply with the rule of the court before which they are litigating. The Department believes that this should generally be sufficient, but Department attorneys should also consider whether their state of licensure would apply a different rule to their conduct. If there is no pending case, the regulations direct Department attorneys to comply with the rules of their state of licensure, but to consider whether application of choice of law principles would direct the attorney to comply with a different rule.

Finally, the regulations recognize the importance of consultation concerning an attorney's ethical responsibilities. The Department strongly believes that attorneys should be encouraged to consult concerning their ethical obligations and that agents should be encouraged to seek legal advice where

appropriate. The regulations prohibit supervisory attorneys from directing attorneys or agents to engage in conduct if that would violate relevant ethics rules, but also recognize that an attorney who, in good faith, provides legal advice or guidance to an agent (without otherwise controlling the agent's actions) or gives guidance to an attorney about that attorney's ethical obligations should not be deemed to violate these rules.

Administrative Procedures Act 5 U.S.C. 553: Good Cause Exception

The Department is implementing this interim final rule to provide an interpretation of Section 530B that those affected by that statute can use as a guide in carrying out their duties. The Department began the work needed to determine the rules and procedures required to best comply with section 530B promptly after that statute was enacted into law in 1998, but found that it was not possible to develop a workable rule, complete the inter-departmental review process needed to ensure that the rule adequately responded to the requirements of the statute and the practical concerns faced by Department attorneys on a daily basis, and provide a meaningful period of notice and comment before the statute takes effect on April 19, 1999. It is imperative that Department attorneys affected by section 530B have some early guidance concerning the standards of ethical conduct to which they will be held when that statute goes into effect. Unless guidance is promptly provided, attorneys for the Department will be left with substantial uncertainty regarding what rules they must follow in performing their duties and supervising others. Such uncertainty would run counter to the purpose of the Act and would likely chill prosecutors in the discharge of their critical duties. After completing the long and difficult process of developing regulations that interpret and adequately respond to the requirements of Section 530B, the Department is of the view that there is a significant benefit in its receiving public comments after the interim final rule has been issued. Accordingly, the Department will provide a sixty day period of comment, commencing upon the publication of its rule. However, in the unique circumstances presented, the Department has determined that, in the interim, the guidance should nonetheless take effect. To the extent necessary in these circumstances, the Department has determined that ''good cause'' exists for issuing its rule without prior notice and comment.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities because these regulations provide guidance to those affected by 28 U.S.C. 530B regarding their obligations under the statute.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 1988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal government, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Robert Hinchman, Department of Justice, Office of Policy Development, 950 Pennsylvania Avenue, NW., Room 4258, Washington, DC 20530–0001, 201–514–8059.

List of Subjects in 28 CFR Part 77

Government employees, Investigations, Law Enforcement, Lawyers.

Accordingly, part 77 of chapter I of title 28 of the Code of Federal Regulations is revised to read as follows:

PART 77—ETHICAL STANDARDS FOR ATTORNEYS FOR THE GOVERNMENT

Sec.
77.1 Purpose and authority.
77.2 Definitions.
77.3 Application of 28 U.S.C. 530B.
77.4 Guidance.
77.5 No private remedies.

Authority: 28 U.S.C. 530B.

§ 77.1 Purpose and authority.

(a) The Department of Justice is committed to ensuring that its attorneys perform their duties in accordance with the highest ethical standards. The purpose of this part is to implement 28 U.S.C. 530B and to provide guidance to attorneys concerning the requirements imposed on Department attorneys by 28 U.S.C. 530B.

(b) Section 530B requires Department attorneys to comply with state and local federal court rules of professional responsibility, but should not be construed in any way to alter federal substantive, procedural, or evidentiary law or to interfere with the Attorney General's authority to send Department attorneys into any court in the United States.

(c) Section 530B imposes on Department attorneys the same rules of professional responsibility that apply to non-Department attorneys, but should not be construed to impose greater burdens on Department attorneys than those on non-Department attorneys or to alter rules of professional responsibility that expressly exempt government attorneys from their application.

(d) The regulations set forth in this part seek to provide guidance to Department attorneys in determining

the rules with which such attorneys should comply.

§ 77.2 Definitions.

As used in this part, the following terms shall have the following meanings, unless the context indicates otherwise:

(a) The phrase *attorney for the government* means the Attorney General; the Deputy Attorney General; the Solicitor General; the Assistant Attorneys General for, and any attorney employed in, the Antitrust Division, Civil Division, Civil Rights Division, Criminal Division, Environment and Natural Resources Division, and Tax Division; the Chief Counsel for the DEA and any attorney employed in that office; the General Counsel of the FBI and any attorney employed in that office or in the (Office of General Counsel) of the FBI; any attorney employed in, or head of, any other legal office in a Department of Justice agency; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special Attorney duly appointed pursuant to 28 U.S.C. 515; any Special Assistant United States Attorney duly appointed pursuant to 28 U.S.C. 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; and any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States. The phrase *attorney for the government* also includes any independent counsel, or employee of such counsel, appointed under chapter 40 of title 28, United States Code.

The phrase *attorney for the government* does not include attorneys employed as investigators or other law enforcement agents by the Department of Justice who are not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

(b) The term *case* means any proceeding over which a state or federal court has jurisdiction, including criminal prosecutions and civil actions. This term also includes grand jury investigations and related proceedings (such as motions to quash grand jury subpoenas and motions to compel testimony), applications for search warrants, and applications for electronic surveillance.

(c) The phrase *civil law enforcement investigation* means an investigation of possible civil violations of, or claims under, federal law that may form the basis for a civil law enforcement proceeding.

(d) The phrase *civil law enforcement proceeding* means a civil action or proceeding before any court or other tribunal brought by the Department of Justice under the authority of the United States to enforce federal laws or regulations, and includes proceedings related to the enforcement of an administrative subpoena or summons or civil investigative demand.

(e) The terms *conduct* and *activity* means any act performed by a Department attorney that implicates a rule governing attorneys, as that term is defined in paragraph (h) of this section.

(f) The phrase *Department attorney[s]* is synonymous with the phrase ''attorney[s] for the government'' as defined in this section.

(g) The term *person* means any individual or organization.

(h) The phrase *state laws and rules and local federal court rules governing attorneys* means rules enacted or adopted by any State or Territory of the United States or the District of Columbia or by any federal court, that prescribe ethical conduct for attorneys *and* that would subject an attorney, whether or not a Department attorney, to professional discipline, such as a code of professional responsibility. The phrase does not include:

(1) Any statute, rule, or regulation which does not govern ethical conduct, such as rules of procedure, evidence, or substantive law, whether or not such rule is included in a code of professional responsibility for attorneys;

(2) Any statute, rule, or regulation that purports to govern the conduct of any class of persons other than attorneys, such as rules that govern the conduct of all litigants and judges, as well as attorneys; or

(3) A statute, rule, or regulation requiring licensure or membership in a particular state bar.

(i) The phrase *state of licensure* means the District of Columbia or any State or Territory where a Department attorney is duly licensed and authorized to practice as an attorney. This term shall be construed in the same manner as it has been construed pursuant to the provisions of Pub. L. 96–132, 93 Stat. 1040, 1044 (1979), and Sec. 102 of the Departments of Commerce, Justice and State, the Judiciary, and Related Agency Appropriations Act, 1999, Pub. L. 105–277.

(j)(1) The phrase *where such attorney engages in that attorney's duties* identifies which rules of ethical conduct a Department attorney should comply with, and means, with respect to particular conduct:

(i) If there is a case pending, the rules of ethical conduct adopted by the local federal court or state court before which the case is pending; or

(ii) If there is no case pending, the rules of ethical conduct that would be applied by the attorney's state of licensure.

(2) A Department attorney does not ''engage[] in that attorney's duties'' in any states in which the attorney's conduct is not substantial and continuous, such as a jurisdiction in which an attorney takes a deposition (related to a case pending in another court) or directs a contact to be made by an investigative agent, or responds to an inquiry by an investigative agent. Nor does the phrase include any jurisdiction that would not ordinarily apply its rules of ethical conduct to particular conduct or activity by the attorney.

(k) The phrase *to the same extent and in the same manner as other attorneys* means that Department attorneys shall only be subject to laws and rules of ethical conduct governing attorneys in the same manner as such rules apply to non-Department attorneys. The phrase does not, however, purport to eliminate or otherwise alter state or federal laws and rules and federal court rules that expressly exclude some or all government attorneys from particular limitations or prohibitions.

§ 77.3 Application of 28 U.S.C. 530B.

In all criminal investigations and prosecutions, in all civil investigations and litigation (affirmative and defensive), and in all civil law enforcement investigations and proceedings, attorneys for the government shall conform their conduct and activities to the state rules and laws, and federal local court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State, as these terms are defined in § 77.2 of this part.

§ 77.4 Guidance.

(a) *Rules of the court before which a case is pending.* A government attorney shall, in all cases, comply with the rules of ethical conduct of the court before which a particular case is pending.

(b) *Inconsistent rules where there is a pending case.*

(1) If the rule of the attorney's state of licensure would prohibit an action that is permissible under the rules of the court before which a case is pending, the attorney should consider:

(i) Whether the attorney's state of licensure would apply the rule of the court before which the case is pending,

rather than the rule of the state of licensure;

(ii) Whether the local federal court rule preempts contrary state rules; and

(iii) Whether application of traditional choice-of-law principles directs the attorney to comply with a particular rule.

(2) In the process of considering the factors described in paragraph (b)(1) of this section, the attorney is encouraged to consult with a supervisor or Professional Responsibility Officer to determine the best course of conduct.

(c) *Choice of rules where there is no pending case.*

(1) Where no case is pending, the attorney should generally comply with the ethical rules of the attorney's state of licensure, unless application of traditional choice-of-law principles directs the attorney to comply with the ethical rule of another jurisdiction or court, such as the ethical rule adopted by the court in which the case is likely to be brought.

(2) In the process of considering the factors described in paragraph (c)(1) of this section, the attorney is encouraged to consult with a supervisor or Professional Responsibility Officer to determine the best course of conduct.

(d) *Rules that impose an irreconcilable conflict.* If, after consideration of traditional choice-of-law principles, the attorney concludes that multiple rules may apply to particular conduct and that such rules impose irreconcilable obligations on the attorney, the attorney should consult with a supervisor or Professional Responsibility Officer to determine the best course of conduct.

(e) *Supervisory attorneys.* Each attorney, including supervisory attorneys, must assess his or her ethical obligations with respect to particular conduct. Department attorneys shall not direct any attorney to engage in conduct that violates section 530B. A supervisor or other Department attorney who, in good faith, gives advice or guidance to another Department attorney about the other attorney's ethical obligations should not be deemed to violate these rules.

(f) *Investigative Agents.* A Department attorney shall not direct an investigative agent acting under the attorney's supervision to engage in conduct under circumstances that would violate the attorney's obligations under section 530B. A Department attorney who in good faith provides legal advice or guidance upon request to an investigative agent should not be deemed to violate these rules.

§ 77.5 No private remedies.

The principles set forth herein, and internal office procedures adopted pursuant hereto, are intended solely for the guidance of attorneys for the government. They are not intended to, do not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party to litigation with the United States, including criminal defendants, targets or subjects of criminal investigations, witnesses in criminal or civil cases (including civil law enforcement proceedings), or plaintiffs or defendants in civil investigations or litigation; or any other person, whether or not a party to litigation with the United States, or their counsel; and shall not be a basis for dismissing criminal or civil charges or proceedings or for excluding relevant evidence in any judicial or administrative proceeding. Nor are any limitations placed on otherwise lawful litigative prerogatives of the Department of Justice as a result of this part.

Dated: April 14, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99–9845 Filed 4–19–99; 8:45 am]

BILLING CODE 4410–19–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 164–0112a; FRL–6324–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District (SMAQMD), Mojave Desert Air Quality Management District (MDAQMD), and the Ventura County Air Pollution Control District (VCAPCD) as Revisions to the California State Implementation Plan (SIP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rules.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules from Sacramento Metropolitan Air Quality Management District (SMAQMD), Mojave Desert Air Quality Management District (MDAQMD), and the Ventura County Air Pollution Control District (VCAPCD) as revisions to the California State Implementation Plan (SIP). SMAQMD's Rule 414 controls emissions of oxides of nitrogen from natural gas-fired water heaters; MDAQMD's Rule 1157 controls emissions from boilers and process heaters; and VCAPCD's Rule 74.16 controls emissions of oxides of nitrogen from oilfield drilling operations. This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving of these rules is to regulate emissions of oxides of nitrogen (NO_X) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA actions on SIP submittals, SIPs for national primary and secondary ambient air quality standards (NAAQS), and plan requirements for nonattainment areas.

DATES: These rules are effective on June 21, 1999 without further notice, unless EPA receives adverse comments by May 20, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that these rules will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW, Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Sacramento Metropolitan Air Quality Management District (SMAQMD), 8475 Jackson Rd., Suite 200, Sacramento, CA 95826–3904.

Mojave Desert Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182.

Ventura County Air Pollution Control District (VCAPCD), 800 South Victoria Avenue, Ventura, CA 93009.

FOR FURTHER INFORMATION CONTACT: Ed Addison, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: SMAQMD's Rule 414, Natural Gas-fired Water Heaters; MDAQMD's Rule 1157, Boilers and Process Heaters; and VCAPCD's Rule 74.16, Oilfield Drilling Operations. SMAQMD's Rule 414 was submitted by the State of California to EPA on March 10, 1998, MDAQMD's Rule 1157 on August 1, 1997 and VCAPCD Rule 74.16 on April 5, 1991.

II. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the Clean Air Act.

On November 25, 1992, EPA published a proposed rule entitled, ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes and provides preliminary guidance on the requirements of section 182(f). The November 25, 1992, action should be referred to for further information on the NO_X requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and sections 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. Sacramento Metropolitan Air Quality Management District (SMAQMD), Mojave Desert Air Quality Management District (MDAQMD), and the Ventura County Air Pollution Control District (VCAPCD) are classified as serious or above;[1] therefore these areas are subject to the RACT requirements of section 182(b)(2) cited below and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_X) emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X sources since enactment of the CAA. The RACT rules covering NO_X sources and submitted as SIP revisions are expected to require final installation of the actual NO_X controls as expeditiously as practicable, but no later than May 31, 1995.

This document addresses EPA's direct final action for SMAQMD's Rule 414, Natural Gas-fired Water Heaters; MDAQMD's Rule 1157, Boilers and Process Heaters; and VCAPCD's Rule 74.16, Oilfield Drilling Operations.

The State of California submitted many revised RACT rules to EPA for incorporation into its SIP on March 10, 1998, including SMAQMD's Rule 414. MDAQMD's Rule 1157 was submitted on August 1, 1997 and VCAPCD's Rule 74.16 on April 5, 1991. Rule 414 was found to be complete on May 21, 1998, Rule 1157 on September 30, 1997, and Rule 74.16 on May 21, 1991; pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V[2] and are being finalized for approval into the SIP.

NO_X emissions contribute to the production of ground level ozone and smog. SMAQMD's Rule 414 controls emissions of oxides of nitrogen from natural gas-fired water heaters; MDAQMD's Rule 1157 controls emissions from boilers and process heaters; and VCAPCD's Rule 74.16 controls emissions of oxides of nitrogen from oilfield drilling operations. These rules were originally adopted as part of Districts' efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone, and in response to the CAA requirements cited above. The following is EPA's evaluation and final action for these rules.

III. EPA Evaluation and Proposed Action

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the NO_X Supplement (57 FR 55620) and various other EPA policy guidance documents.[3] Among those provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting State and local agencies in developing NO_X RACT rules, EPA prepared the NO_X Supplement to the General Preamble. In the NO_X Supplement, EPA provides preliminary guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for all categories of stationary sources of NO_X. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

The California Air Resources Board (CARB) has developed guidance documents determining Reasonably Available Control Technology and Best Available Retrofit Control Technology. EPA has used CARB's guidance documents in evaluating Sacramento Rule MDAQMD 1157, Emissions from Boilers and Process Heaters; and VCAPCD's Rule 74.16, Oilfield Drilling Operations for consistency with the CAA's RACT requirements.

There is currently no version of SMAQMD's Rule 414, Natural Gas-fired Water Heaters, in the SIP. SMAQMD's Rule 414, Natural Gas-fired Water Heaters, establishes nitrogen oxide emissions for natural gas-fired water heaters with rated heat input of less than 75,000 Btu/hr.

---

[1] MDAQMD AND VCAPCD areas retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The Sacramento Metro Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995).

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC regulation Cutpoints, Deficiencies, and Deviation, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

There is currently no version of MDAQMD's Rule 1157, Boilers and Process Heaters, in the SIP. MDAQMD's Rule 1157, Boilers and Process Heaters, establishes RACT emission requirements for oxides of nitrogen (NO_X) and carbon monoxide (CO) emissions for all new and existing institutional and industrial boilers, steam generators and process heaters with rated heat inputs of greater than or equal to five million Btu per hour (MMBtu/hr), located within the Federal Ozone Non-attainment Area of San Bernardino County. The Rule also establishes Best Available Retrofit Control Technologies (BARCT) emission requirements for any existing unit currently permitted to emit more than five (5) tons per day, or more than 250 tons per year of oxides of nitrogen (NO_X).

There is currently no version of VCAPCD's Rule 74.16, Oilfield Drilling Operations, in the SIP. VCAPCD's Rule 74.16, Oilfield Drilling Operations, establishes nitrogen oxide emissions limits for stationary internal combustion engines of 50 HP and larger oilfield drilling operations. The rule will require drilling rigs to be electrically powered unless the installation of utility electricity is not cost effective based upon Best Available Control Technology (BACT) Guidelines.

The submitted rules include the following provisions:

- General provisions including applicability, exemptions, and definitions.
- Exhaust emissions standards for oxides of nitrogen (NO_X).
- Compliance and monitoring requirements including compliance schedule, reporting requirements, monitoring and record keeping, and test methods.

Rules submitted to EPA for approval as revisions to the SIP must be fully enforceable, must maintain or strengthen the SIP and must conform with EPA policy in order to be approved by EPA. When reviewing rules for SIP approvability, EPA evaluates enforceability elements such as test methods, record keeping, and compliance testing in addition to RACT guidance regarding emission limits. SMAQMD's Rule 414, MDAQMD's Rule 1157 and VCAPCD's Rule 74.16 strengthen the SIP through the addition of enforceable measures such as record keeping, test methods, definitions, and more stringent and achievable emissions limits. Incorporation of the amended Rules, SMAQMD's Rule 414, MDAQMD's Rule 1157 and VCAPCD's Rule 74.16, into the SIP would decrease the NO_X emissions allowed by the SIP.

In evaluating the rules, EPA must also determine whether the section 182(b) requirement for RACT implementation by May 31, 1995 is met. Under certain circumstances, the determination of what constitutes RACT can include consideration of advanced control technologies such as CARB BARCT requirements. The submitted rules, SMAQMD Rule 414, MDAQMD Rule 1157 and VCAPCD Rule 74.16, conform with the CARB Determination of Reasonably Available Control Technology (RACT) and Best Available Retrofit Control Technology (BARCT) for Control of Oxides of Nitrogen and they conform with Section 182(b).

A detailed discussion of the sources controlled, the controls required, and justification for why these controls represent RACT can be found in the Technical Support Documents (TSDs) for SMAQMD's Rule 414, MDAQMD's Rule 1157 and VCAPCD's Rule 74.16, dated November 6, 1998 which are available from the U.S. EPA Region IX office.

EPA has evaluated the submitted rules and has determined them consistent with the CAA, EPA regulations and EPA policy. Therefore, SMAQMD's Rule 414, Emissions of Oxides of Nitrogen from Natural Gas-fired Water Heaters; MDAQMD's Rule 1157, Boilers and Process Heaters; and VCAPCD's Rule 74.16, Oilfield Drilling Operations are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_X Supplement to the General Preamble.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 21, 1999 without further notice unless the Agency receives adverse comments by May 20, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 21, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rules do not create a mandate on State, local or tribal governments. The rules do not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to these rules.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rules on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. These rules do not subject to E.O. 13045 because

they do not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rules do not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to these rules.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. These final rules will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing these rules and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rules in the **Federal Register**. These rules are not ''major'' rules as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1999. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these rules for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rules or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen Ozone, Reporting and record keeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: April 1, 1999.

Felicia Marcus,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(183)(i)(B)(*4*), (248)(i)(D), and (254)(i)(I), to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) * * *

(i) * * *

(B) * * *

(*4*) Rule 74.16, adopted January 8, 1991.

* * * * *

(248) * * *

(i) * * *

(D) Mojave Desert Air Quality Management District.

(*1*) Rule 1157, amended May 19, 1997.

* * * * *

(254) * * *

(i) * * *

(I) Sacramento Metropolitan Air Quality Management District.

(*1*) Rule 414, adopted August 1, 1996.

* * * * *

[FR Doc. 99–9712 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–204–1–9913a; FRL–6326–9]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Memphis Ozone Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Memphis and Shelby County Health Department (MSCHD) ozone (O_3) maintenance plan. The revisions were submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on September 18, 1997, with supplemental information submitted on June 30, 1998. The MSCHD revised their O_3 maintenance plan by adding new tables which correct errors made in the original base year inventory and maintenance plan. These corrections impact the transportation conformity budget for the greater Memphis Metropolitan Statistical Area.

DATES: This direct final rule is effective on June 21, 1999, without further notice, unless EPA receives significant, material, and adverse comment by May 20, 1999. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should address comments on this action to Steven M. Scofield at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

Copies of documents related to this action are available for the public to review during normal business hours at the locations below. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN 204–1–9913a. The Region 4 office may have additional documents not available at the other locations.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303. Steven M. Scofield, 404/562–9034.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L&C Annex, 401 Church Street, Nashville, Tennessee 37243–1531. 615/532–0554.

Memphis and Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee 38105. 901/576–7600.

FOR FURTHER INFORMATION CONTACT: Steven M. Scofield at 404/562–9034.

SUPPLEMENTARY INFORMATION:

I. Background

On November 12, 1992, Tennessee submitted a maintenance plan and a request to redesignate the Memphis and Shelby County area from nonattainment to attainment for O_3. In a **Federal Register** notice dated January 17, 1995 (60 FR 3352), EPA approved the Memphis and Shelby County O_3 maintenance plan, including the 1990 base year inventory.

II. Analysis of State's Submittal

The revisions to the Memphis and Shelby County O_3 maintenance plan were submitted on September 18, 1997, with supplemental information submitted on June 30, 1998. The MSCHD revised their O_3 maintenance plan by adding new tables which correct errors made in the original 1990 base year inventory and maintenance plan. The submittal included corrected nitrogen oxide (NO_X) tables and graphs and three new tables for volatile organic compounds (VOCs), carbon monoxide (CO), and NO_X.

The purpose of the 1990 base year adjustment is to better account for emissions from NO_X sources. The error correction affects the 2004 emission budget in that additional NO_X emissions are available in the safety margin. MSCHD has chosen to allocate the additional safety margin to the mobile source sector. These corrections impact the transportation conformity budget for the greater Memphis Metropolitan Statistical Area.

	1990	1993	1996	1999	2002	2004
VOC Emission Inventory Summary (Tons per day)						
Point	74.6	30.3	31.4	32.5	33.5	34.2
Area	79.3	53.3	54.3	55.2	56.2	56.9
Non-Road	31.3	31.9	32.5	33.1	33.7	34.1
Mobile	72.1	46.9	44.8	44.3	43.7	43.1
Mobile Budget	72.1	112.1	107.5	104.6	101.8	144.5
Biogenics	132.6	100.8	100.8	100.8	100.8	100.8
Total	390.0	263.2	263.7	265.9	267.9	269.1
NO_X Emission Inventory Summary (Tons per day)						
Point	113.5	119.4	102.0	100.4	72.9	72.0
Area	4.2	4.5	4.6	4.7	4.8	4.8
Non-Road	80.8	82.3	83.8	85.3	86.8	87.9
Mobile	62.9	56.1	54.6	54.8	54.6	54.3
Mobile Budget	62.9	56.1	59.5	59.7	71.7	94.3
Biogenics	1.6	1.4	1.4	1.4	1.4	1.4
Total	263.0	263.7	246.3	246.5	220.5	220.3
CO Emission Inventory Summary (Tons per day)						
Point	22.8	18.6	19.3	19.9	20.5	21.0
Area	82.6	107.9	109.9	111.8	113.9	115.2
Non-Road	109.8	111.8	113.8	115.9	118.0	119.4

	1990	1993	1996	1999	2002	2004
Mobile	455.1	420.1	418.5	417.3	416.5	414.6
Mobile Budget	455.1	431.5	426.9	422.4	417.8	414.6
Total	670.13	658.4	661.4	664.9	668.9	670.3

III. Final Action

EPA is approving the revisions to the Memphis and Shelby County Health Department O_3 maintenance plan and 1990 base year inventory.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective June 21, 1999, without further notice unless the Agency receives adverse comments by May 20, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 21, 1999, and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995

(''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: March 25, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52 [AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et. seq.*

Subpart RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(165) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(165) The revisions to the maintenance plan and emission inventory for the Memphis and Shelby County Area which includes Shelby County and the City of Memphis submitted by the Tennessee Department of Environment and Conservation on September 18, 1997, and June 30, 1998, as part of the Tennessee SIP.

(i) Incorporation by reference. Non-Regulatory SIP Submittal Including I. The 1993 Ozone, Nitrogen Oxides, and Carbon Monoxide Triennial Emission Inventory; II. Revisions to the 1990 Base Year Inventory; III. Amendments to the CO and O_3 Maintenance Plans to Specify Conformity Emission Budgets adopted on September 10, 1997.

(A) Mobile and point source emission budgets volatile organic compounds summer season tons per day (PJVCTD3.WK1)

(B) Mobile and point source emission budgets nitrogen oxides summer season tons per day (PJNXTD3.WK1)

(C) Mobile and point source emission budgets carbon monoxide winter season tons per day (PJCOTD3.WK1)

(D) Mobile and point source emission budgets volatile organic compounds summer season tons per day

(E) Mobile and point source emission budgets nitrogen oxides summer season tons per day

(F) Mobile and point source emission budgets carbon monoxide winter season tons per day.

(ii) Other material. None.

[FR Doc. 99–9714 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX 109–1–7412a; FRL–6329–2]

Rescission of the Conditional Section 182(f) Exemption to the Nitrogen Oxides (NO_X) Control Requirements for the Dallas/Fort Worth Ozone Nonattainment Area; TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this direct final action, we, the EPA, are rescinding the conditional nitrogen oxides (NO_X) exemption for the Dallas/Fort Worth (DFW) ozone nonattainment area. We granted the conditional exemption under the Federal Clean Air Act (Act) on November 21, 1994, conditioned on our approval of initial modeling showing that NO_X controls were not needed in the DFW area to reach attainment. However, the DFW area failed to attain EPA's National Ambient Air Quality Standard (NAAQS) for ozone by its moderate ozone deadline of November 15, 1996, and we reclassified the area to ''serious'' ozone nonattainment on February 18, 1998. The modeling conducted for this serious area State Implementation Plan shows control of NO_X sources will help the area attain the ozone. The State of Texas requested the rescission of the conditional NO_X exemption based on this new photochemical modeling. We agree with the need for future NO_X controls and are rescinding the conditional exemption. The State must now implement NO_X control rules and conformity determinations will have to consider NO_X in the DFW area.

DATES: This direct final rule is effective on June 21, 1999, unless we receive adverse comments by May 20, 1999. If we receive such comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following

locations. If you want to examine these documents you should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section, (6PD–L), Multimedia Planning and Permitting Division, 1445 Ross Ave, Dallas, TX 75202–2733, telephone: (214) 665–7214.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert R. Sherrow, Jr., Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone: 214–665–7237.

SUPPLEMENTARY INFORMATION:

What Action is EPA Taking?

At the request of the State of Texas, we are rescinding the conditional exemption from the NO_X control requirements for the DFW ozone nonattainment area. We are not taking any action on the El Paso NO_X exemption. Rescission of the section 182(f) NO_X exemption means the DFW ozone nonattainment area is removed from Federal exempt status and the State is required to immediately implement its existing NO_X Reasonably Available Control Technology (RACT), New Source Review (NSR), vehicle Inspection and Maintenance (I/M) program, and general and transportation conformity requirements.

However, because of the lead time needed for sources to be able to comply, we are also setting a final compliance date for implementation of the NO_X RACT controls. Final NO_X RACT compliance is required as expeditiously as practicable, but no later than March 31, 2001. The NO_X RACT final compliance date is consistent with the State's rule.

What is a NO_X Exemption?

The Act states, in section 182(f), that an exemption from NO_X controls may be given to an ozone nonattainment area if the Administrator determines that NO_X controls would not help the area attain the ozone NAAQS. Texas sent us modeling which showed that the DFW area could attain the NAAQS by additional controls for Volatile Organic Compounds only; therefore, new NO_X controls would not be needed. The State requested a NO_X exemption for the DFW area and we granted a conditional exemption effective November 21, 1994. In our **Federal Register** notice approving the exemption we said that if we later determine that NO_X reductions are beneficial, based on new photochemical modeling, the area would be removed from exempt status.

Why is EPA Taking This Action?

We are taking this action because the State requested the rescission, because the condition for the exemption has not been met, and because the area's modeling now shows the need for NO_X reductions to achieve attainment.

The Texas Natural Resource Conservation Commission (TNRCC) sent a letter, dated November 13, 1998, from Mr. Barry McBee, Chairman of the TNRCC at the time of the letter, to Mr. Gregg Cooke, EPA Region 6, Regional Administrator, requesting the rescission.

The State conducted new photochemical modeling which shows NO_X controls are now needed for the DFW area to attain the ozone NAAQS. We reviewed the new modeling and find it supports the need for NO_X controls.

We also conditioned the exemption on our approving initial modeling showing that NO_X was not needed. Before we could act on the initial modeling, monitoring data showed the area did not attain the NAAQS by November 15, 1996, which was the attainment date for moderate ozone areas. Section 181(b)(2)(A) requires us to reclassify ozone areas to the next higher nonattainment classification within six months after the applicable attainment deadline if we find the area has not attained the ozone standard by that date. Therefore, instead of acting on the initial modeling, we reclassified the area from ''moderate'' to ''serious'' nonattainment on February 19, 1998, and the state initiated new modeling. The condition for receiving full approval of the exemption has never been and cannot now be met by Texas.

What Actions has the State Taken?

The State adopted its NO_X RACT and New Source Review (NSR) rules on February 24, 1999, and they became effective on March 21, 1999.

The state's approved Inspection and Maintenance (I/M) program for the DFW area does not allow NO_X increases. For a discussion of the State's vehicle I/M program, please refer to the conditional interim approval in 62 FR 3718. Therefore, the State does not need to revise its DFW I/M rule as a result of this action.

Who do the NO_X RACT and NSR rules apply to?

The NO_X RACT rules will apply to you if you own or operate a major source of NO_X emissions. A major source is defined as any stationary source, or group of sources, located in a contiguous area and under common control that emits, or has the potential to emit, at least 50 tons of NO_X a year. Please see TNRCC rules, Chapter 117—Control of Air Pollution from Nitrogen Compounds for additional information.

The NSR rules apply to you if you are an owner or operator planning to construct or modify a source that has the potential to emit at least 50 tons of NO_X a year. Please see TNRCC rules, Chapter 116—Control of Air Pollution By Permits for New Construction or Modification, Subchapter B: New Source Review Permits, Division 5: Nonattainment New Source Review for additional information.

When do I Have To Comply With the NO_X RACT and NSR Rules?

The NO_X RACT final compliance date is as expeditiously as practicable but not later than March 31, 2001; and the NSR compliance date is March 21, 1999. Under the State's NSR rule, permit applications determined to be complete prior to March 21, 1999, are not subject to the new NO_X requirements.

What is the Effect of Rescinding the NO_X Exemption on Conformity?

The NO_X waiver for transportation and general conformity determinations no longer applies after the effective date of this rule.

The NO_X waiver exempted the North Central Texas Council of Governments (NCTCOG) from the transportation conformity rule's ''build-no build'' test for NO_X emissions. After the effective date of this notice, the NCTCOG must observe the NO_X requirements in future transportation conformity determinations on transportation improvement programs, transportation plans, and projects. *See* the State Transportation Conformity Rule, 30 Texas Administrative Code (TAC) Chapter 114, and 40 CFR part 93 subpart A for more information. The State does not need to revise its transportation conformity rule as a result of this action.

The NO_X requirements also apply in future general conformity determinations. The NO_X waiver exempted Federal projects from general conformity determinations regarding NO_X. Federal agencies that must make a conformity determination for Federal actions in the DFW area according to the State's General Conformity Rule are now subject to the NO_X requirements. *See* the State General Conformity Rule, 30 TAC Section 101.30, and CFR part 51 subpart W for more information. The State does not need to revise its General

Conformity Rules as a result of this action.

Existing conformity determinations will not be affected by this rescission of the NO_X exemption and will continue to be valid to the same extent as generally allowed under the rules, but new conformity determinations will have to observe the NO_X requirements.

Where Can I Get Background Information on the Exemption?

We approved the exemption on November 21, 1994, and published the approval in a **Federal Register** notice, 59 FR 60709, November 28, 1994. We proposed approval of the exemption in a **Federal Register** notice, 59 FR 44386, August 29, 1994.

What Further Action Must EPA Take?

We plan to review the State's RACT and NSR NO_X submissions for approval in separate rulemaking actions because those submissions will be contained in a broader SIP that also includes Volatile Organic Compounds controls, modeling, and rate of progress requirements. The State submitted this SIP March 18, 1999.

What is the Process for EPA Approval of This Action?

We are publishing this rule without prior proposal because we view this as a noncontroversial action and anticipate no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the action if adverse comments are filed. This rule will be effective on June 21, 1999, without further notice unless we receive adverse comment by May 20, 1999. If we receive adverse comment, we will publish a timely withdrawal in the **Federal Register** telling the public that the rule will not take effect. If this happens, we will address all public comments in a subsequent final rule based on the proposed rule. We will not initiate a second comment period on this action. Any parties interested in commenting must do so at this time.

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. Removal of the NOx exemption under section 182(f) of the Act is an action that affects the status of a geographical area and does not directly regulate any entities. *See Mid-Tex Electric Cooperative Inc.* v. *FERC*, 773 F.2nd 327 (D.C. 1985) (Agency's certification need only consider the rule's impact on entities subject to the requirements of the rule. To the extent that the area must adopt new regulations, we will review the effect of those actions at the time the State submits those regulations. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, Local, or Tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the rescission action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Statutory requirements that previously were waived for the DFW area are now applicable. To the extent that the State must adopt new regulations, we will review the effect of these actions at the time the State submits the regulations.

D. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective June 21, 1999.

E. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, Local, or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, Local and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, Local, and Tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule implements statutory provisions but would not impose a mandate on State, Local, or Tribal governments. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

F. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If the EPA complies by consulting, E.O. 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O.

13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule implements requirements specifically set forth by the Congress in the Federal Clean Air Act without the exercise of any discretion by EPA. However, today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any new requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

G. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the order has the potential to influence the regulation.

This rule is not subject to E.O. 13045 because it implements a previously promulgated health or safety-based Federal standard.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental Relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: April 14, 1999.

Carol M. Browner,

Administrator.

Part 52, chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart SS—Texas

2. Section 52.2308 is amended by adding paragraph (g) to read as follows:

§ 52.2308 Area-wide nitrogen oxides (NO_X) exemptions.

* * * * *

(g) The Texas Natural Resource Conservation Commission submitted a letter to EPA requesting rescission of the previously-granted conditional exemption from the NO_X control requirements of section 182(f) of the Act for the Dallas/Fort Worth ozone nonattainment area. The letter was sent on November 13, 1998. The conditional exemption was granted on November 21, 1994, conditioned upon EPA approving the modeling portion of the DFW attainment demonstration SIP. The conditional exemption was also approved on a contingent basis. The modeling-based exemption would last only as long as the area's modeling continued to demonstrate attainment without the additional NO_X reductions required by section 182(f). The State's request is based on new photochemical modeling which shows the need for NO_X controls to help the area attain the ozone National Ambient Air Quality Standards. Furthermore, EPA would not and could not approve the earlier attainment demonstration SIP modeling upon which the condition was based.

(1) On June 21, 1999, the conditional NO_X exemption for the DFW area granted on November 21, 1994 is rescinded. Upon rescission, the Federal requirements pertaining to NO_X Reasonably Available Control Technology (RACT), New Source Review, vehicle Inspection/Maintenance, general and transportation conformity now apply.

(2) The NO_X RACT final compliance date must be implemented as expeditiously as practicable, but no later than March 31, 2001.

[FR Doc. 99–9868 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH 122–1a; FRL–6328–6]

Approval and Promulgation of Maintenance Plan Revisions; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We are approving a March 18, 1999 request from Ohio for a State Implementation Plan (SIP) revision of the Stark County (Canton, Ohio) ozone maintenance plan. The maintenance plan revision establishes new transportation conformity mobile source emissions budgets for the year 2005. We are approving the allocation of a portion of the safety margin for volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) to the area's 2005 mobile source emissions budgets for transportation conformity purposes. This allocation will still maintain the total emissions for the area at or below the attainment level required by the transportation conformity regulations.

DATES: This rule is effective on June 21, 1999, unless EPA receives adverse written comments by May 20, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Send written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

You may inspect copies of the documents relevant to this action during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Patricia Morris at (312) 353–8656 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency,

Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8656.

SUPPLEMENTARY INFORMATION: This Supplementary Information section is organized as follows:

What action is EPA taking today?
Who is affected by this action?
How did the State support its request?
What is transportation conformity?
What is an emissions budget?
What is a safety margin?
How does this action change the Stark County maintenance plan?
Why is the request approvable?

What Action is EPA Taking Today?

In this action, we are approving a revision to the maintenance plan for Stark County, Ohio. The revision will change the mobile source emission budget that is used for transportation conformity purposes. The revision will keep the total emissions for the area at or below the attainment level required by law. This action will allow State or local agencies to maintain air quality while providing for transportation growth.

Who is Affected by This Action?

Primarily, the transportation sector represented by Ohio Department of Transportation and the Stark County metropolitan planning organization will benefit from this revision. Although, the long range transportation plan for the Stark County area projects higher emissions than currently allowed in the maintenance plan, the conformity rule provides that if a ''safety margin'' exists in the maintenance plan, then the safety margin can be allocated to the transportation sector via the mobile source budget.

How Did the State Support This Request?

On March 18, 1999, Ohio submitted to EPA a SIP revision request for the Stark County ozone maintenance area. A public hearing on this proposal was held on February 18, 1999. No one from the public commented on the proposed revisions.

In the submittal, Ohio requested to establish new 2005 mobile source emissions budgets for both VOC and NO_X for the Stark County, Ohio, ozone maintenance area. The State requested that 2 tons per day of VOC and 1 ton per day of NO_X be allocated from the maintenance plan's safety margin. The mobile source budgets are used for transportation conformity purposes.

What is Transportation Conformity?

Transportation conformity means that the level of emissions from the transportation sector (cars, trucks and buses) must be consistent with the requirements in the SIP to attain and maintain the air quality standards. The Clean Air Act, in section 176(c), requires conformity of transportation plans, programs and projects to an implementation plan's purpose of attaining and maintaining the National Ambient Air Quality Standards. On November 24, 1993, EPA published a final rule establishing criteria and procedures for determining if transportation plans, programs and projects funded or approved under Title 23 U.S.C. or the Federal Transit Act conform to the SIP.

The transportation conformity rules require an ozone maintenance area, such as Stark County, to compare the actual projected emissions from cars, trucks and buses on the highway network, to the mobile source emissions budget established by a maintenance plan. The Stark County area has an approved maintenance plan. Our approval of the maintenance plan established the mobile source emissions budgets for transportation conformity purposes.

What is an Emissions Budget?

An emissions budget is the projected level of controlled emissions from the transportation sector (mobile sources) that is estimated in the SIP. The SIP controls emissions through regulations, for example, on fuels and exhaust levels for cars. The emissions budget concept is further explained in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62188). The preamble also describes how to establish the mobile source emissions budget in the SIP and how to revise the emissions budget. The transportation conformity rule allows the mobile source emissions budget to be changed as long as the total level of emissions from all sources remains below the attainment level.

What is a Safety Margin?

A ''safety margin'' is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the area met the air quality health standard. For example: Stark County attained the one hour ozone standard during the 1989–1991 time period. The State uses 1990 as the attainment level of emissions for Stark County. The emissions from point, area and mobile sources in 1990 equaled 86.67 tons per day of VOC and 39.81 tons per day of NO_X. The Ohio Environmental Protection Agency projected emissions out to the year 2005 and projected a total of 73.61 tons per day of VOC and 37.64 tons per day of NO_X from all sources in Stark County. The safety margin for Stark County is calculated to be the difference between these amounts or 13.06 tons per day of VOC and 2.17 tons per day of NO_X. Table 1 gives detailed information on the estimated emissions from each source category and the safety margin calculation.

The 2005 emission projections reflect the point, area and mobile source reductions and are illustrated in Table 1.

TABLE 1.—NO_X AND VOC EMISSIONS BUDGET; AND SAFETY MARGIN DETERMINATIONS, STARK COUNTY

[tons/day]

Source category	VOC emissions	
	1990	2005
Point	12.36	14.07
Mobile (on-road)	31.66	15.34
Area	42.65	44.20
Totals	86.67	73.61

Safety Margin = 1990 total emissions—2005 total emissions = 13.06 tons/day VOC

Source category	NO_X emissions	
	1990	2005
Point	6.74	7.96
Mobile (on-road)	16.20	12.00
Area	16.87	17.68
Totals	39.81	37.64

Safety Margin = 1990 total emissions—2005 total emissions = 2.17 tons/day NO_X

The emissions are projected to maintain the area's air quality consistent. with the air quality health standard. The safety margin credit can be allocated to the transportation sector. The total emission level, even with this allocation will be below the attainment level or safety level and thus is acceptable. The safety margin is the extra safety [points] that can be allocated as long as the total level is maintained.

How Does This Action Change the Stark County Maintenance Plan?

It raises the budget for mobile sources. The maintenance plan is designed to provide for future growth while still maintaining the ozone air quality standard. Growth in industries, population, and traffic is offset with

reductions from cleaner cars and other emission reduction programs. Through the maintenance plan the State and local agencies can manage and maintain air quality while providing for growth.

In the submittal, Ohio requested to allocate part of the area's safety margin to the mobile source emissions budget. The Stark County area's safety margin is the difference between the 1990 attainment inventory year and the 2005 projected emissions inventory (13.06 tons/day VOC safety margin, and 2.17 tons/day NO_X safety margin) as shown in Table 1. The SIP revision requests the allocation of 2 tons/day VOC, and 1 ton/day NO_X, into the area's mobile source emissions budgets from the safety margin. The 2005 mobile source emissions budgets showing the safety margin allocations are outlined in Table 2. The mobile source emissions budget in Table 2 will be used for transportation conformity purposes.

Table 2 below illustrates that the requested portion of the safety margins can be allocated to the 2005 mobile source budget and that total emissions will still remain at or below the 1990 attainment level of total emissions for the Stark County maintenance area. Since the area would still be at or below the 1990 attainment level for the total emissions, this allocation is allowed by the conformity rule.

TABLE 2.—ALLOCATION OF SAFETY MARGIN TO THE 2005 MOBILE SOURCE EMISSIONS BUDGET, STARK COUNTY

[tons/day]

Source category	VOC emissions	
	1990	2005
Point	12.36	14.07
Mobile (on-road)	31.66	17.34
Area	42.65	44.20
Totals	86.67	75.61

Remaining Safety Margin = 1990 total emissions—2005 total emissions = 11.06 tons/day VOC.

Source category	NO_X emissions	
	1990	2005
Point	6.74	7.96
Mobile (on-road)	16.20	13.00
Area	16.87	17.68
Totals	39.81	38.64

Remaining Safety Margin = 1990 total emissions—2005 total emissions = 1.17 tons/day NO_X

Why is the Request Approvable?

After review of the SIP revision request, EPA finds that the requested allocation of the safety margin for the Stark County (Canton) area is approvable because the new mobile source emissions budgets for NO_X and VOCs maintain the total emissions for the area at or below the attainment year inventory level as required by the transportation conformity regulations. This allocation is allowed by the conformity rule since the area would still be at or below the 1990 attainment level for the total emissions.

EPA Action

EPA is approving the requested allocation of the safety margin to the mobile source budget for the Stark County (Canton) ozone maintenance area.

EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by May 20, 1999. Should the Agency receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on June 21, 1999.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation.

This action is not subject to E.O. 13045 because it approves a state rule implementing a previously promulgated health or safety-based Federal standard, and preserves the existing level of pollution control for the affected areas.

D. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation

with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' This rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. Paperwork Reduction Act

This action does not contain any information collection requirements which requires OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

I. Executive Order 12898: Environmental Justice

Under E.O. 12898 each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. Today's action (revising the emissions budgets in Ohio's maintenance plan for Stark County) does not adversely affect minorities and low-income populations because the new, more stringent 8-hour ozone standard is in effect and provides increased protection to the public, especially children and other at-risk populations.

J. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing new regulations. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

K. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Nitrogen oxides, Transportation conformity.

Dated: April 8, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart KK—Ohio

2. Section 52.1885 is amended by adding paragraph (a)(11) to read as follows:

§ 52.1885 Control Strategy: Ozone

(a) * * *

(11) Approval—On March 18, 1999, Ohio submitted a revision to the

maintenance plan for the Stark County (Canton) area. The revision consists of allocating a portion of the Stark County area's safety margins to the transportation conformity mobile source emissions budgets. The mobile source budgets for transportation conformity purposes for the Stark County area are now: 17.34 tons per day of volatile organic compound emissions for the year 2005 and 13.00 tons per day of oxides of nitrogen emissions for the year 2005.

[FR Doc. 99–9866 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[KY111–9914a; FRL–6326–1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Section 111(d) Plan submitted by the Kentucky Division for Air Quality (DAQ) for the Commonwealth of Kentucky on December 3, 1998, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Solid Waste (MSW) Landfills.

DATES: This direct final rule is effective on June 21, 1999 without further notice, unless EPA receives significant, material, and adverse comment by May 20, 1999. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to: Karla McCorkle, EPA Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Copies of materials submitted to EPA may be examined during normal business hours at the following locations: EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960; and at the Kentucky Division for Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Karla McCorkle at (404) 562–9043 or Scott Davis at (404) 562–9127.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 111(d) of the Clean Air Act (Act), EPA has established procedures whereby States submit plans to control certain existing sources of ''designated pollutants.'' Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111, but which are not ''criteria pollutants'' (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act. As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance standard (NSPS) that controls a designated pollutant, EPA establishes EG in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from that NSPS source category (i.e., the ''designated facility'' as defined at 40 CFR 60.21(b)). Thus, a State, local, or tribal agency's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B.

On March 12, 1996, EPA published EG for existing MSW landfills at 40 CFR part 60, subpart Cc (40 CFR 60.30c through 60.36c) and NSPS for new MSW Landfills at 40 CFR part 60, subpart WWW (40 CFR 60.750 through 60.759). (*See* 61 FR 9905–9944.) The pollutants regulated by the NSPS and EG are MSW landfill emissions, which contain a mixture of volatile organic compounds (VOCs), other organic compounds, methane, and HAPs. VOC emissions can contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine whether control is required, nonmethane organic compounds (NMOCs) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.32c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required to either: (1) submit a plan for the control of the designated pollutant to which the EG applies; or (2) submit a negative declaration if there were no designated facilities in the State within nine months after publication of the EG (by December 12, 1996).

EPA has been involved in litigation over the requirements of the MSW landfill EG and NSPS since the summer of 1996. On November 13, 1997, EPA issued a notice of proposed settlement in *National Solid Wastes Management Association* v. *Browner, et al.*, No. 96–1152 (D.C. Cir), in accordance with section 113(g) of the Act. *See* 62 FR 60898. It is important to note that the proposed settlement does not vacate or void the existing MSW landfill EG or NSPS. Pursuant to the proposed settlement agreement, EPA published a direct final rulemaking on June 16, 1998, in which EPA is amending 40 CFR part 60, subparts Cc and WWW, to add clarifying language, make editorial amendments, and to correct typographical errors. *See* 63 FR 32743–32753, 32783–32784. EPA regulations at 40 CFR 60.23(a)(2) provide that a State has nine months to adopt and submit any necessary State Plan revisions after publication of a final revised emission guideline document. Thus, States are not yet required to submit State Plan revisions to address the June 16, 1998, direct final amendments to the EG. In addition, as stated in the June 16, 1998, preamble, the changes to 40 CFR part 60, subparts Cc and WWW, do not significantly modify the requirements of those subparts. *See* 63 FR 32744. Accordingly, the MSW landfill EG published on March 12, 1996, was used as a basis by EPA for review of section 111(d) Plan submittals.

This action approves the section 111(d) Plan submitted by the Kentucky DAQ for the Commonwealth of Kentucky to implement and enforce Subpart Cc.

II. Discussion

The Kentucky DAQ submitted to EPA on December 3, 1998, the following in their section 111(d) Plan for implementing and enforcing the emission guidelines for existing MSW landfills in the Commonwealth of Kentucky: Statutory and Legal Authority; Enforceable Mechanisms; MSW Landfill Source and Emissions Inventory; Emission Limitations; Process for Review and Approval of Collection and Control System Design

Plans; Testing, Monitoring, Recordkeeping, and Reporting; Compliance Schedule; Demonstration That the Public Had Adequate Notice and Public Hearing Record; Submittal of Progress Reports to EPA; Quality Assurance; and applicable Commonwealth of Kentucky statutes and Kentucky DAQ rules.

The approval of the Kentucky State Plan is based on finding that: (1) the Kentucky DAQ provided adequate public notice of public hearings for the proposed rulemaking and State Plan which allows the Kentucky DAQ to implement and enforce the EG for MSW landfills; and (2) the Kentucky DAQ also demonstrated legal authority to adopt emission standards and compliance schedules applicable to the designated facilities; enforce applicable laws, regulations, standards and compliance schedules; seek injunctive relief; obtain information necessary to determine compliance; require recordkeeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

In the Plan, the Kentucky DAQ cites the following references for the legal authority: Kentucky Revised Statute (KRS) 224.10–100; KRS 224.20–100; KRS 224.20–110; and KRS 224.20–120. On the basis of these statutes of the Commonwealth of Kentucky, the State Plan is approved as being at least as protective as the Federal requirements for existing MSW landfills.

In the Plan, the Kentucky DAQ cites the enforceable mechanism for implementing the EG for existing MSW landfills. The enforceable mechanisms are the Commonwealth regulations adopted by the Commonwealth of Kentucky in 401 Kentucky Administrative Regulation (KAR) 61:036 ''Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills'' and 401 KAR 60:750 ''Standards of Performance for Municipal Solid Waste Landfills.'' The State's regulations meet the Federal requirements for an enforceable mechanism and are approved as being at least as protective as the Federal requirements contained in Subpart Cc for existing MSW landfills.

In the Plan, the Kentucky DAQ cites all emission limitations for the major pollutant categories related to the designated sites and facilities. These limitations in 401 KAR 61:036 are approved as being at least as protective as the Federal requirements contained in Subpart Cc for existing MSW landfills.

The Plan describes the process the Kentucky DAQ will utilize for the review of site-specific design plans for gas collection and control systems. The process outlined in the Plan meets the Federal requirements contained in Subpart Cc for existing MSW landfills.

In the Plan, the Kentucky DAQ cites the compliance schedules adopted in 401 KAR 61:036 for each existing MSW landfill to be in compliance within 30 months of the effective date of their state plan. These compliance times for affected MSW landfills address the required compliance time lines of the EG. This portion of the Plan has been reviewed and approved as being at least as protective as Federal requirements for existing MSW landfills.

In Table 1 and Appendix A of the Plan, the Kentucky DAQ submitted a source and emission inventory of all designated pollutants for each MSW landfill in the Commonwealth of Kentucky. This portion of the Plan has been reviewed and approved as meeting the Federal requirements for existing MSW landfills.

The Plan includes its legal authority to require owners and operators of designated facilities to maintain records and report to their agency the nature and amount of emissions and any other information that may be necessary to enable their agency to judge the compliance status of the facilities. The Kentucky DAQ also cites its legal authority to provide for periodic inspection and testing and provisions for making reports of MSW landfill emissions data, correlated with emission standards that apply, available to the general public. 401 KAR 61:036 and 401 KAR 60:750 support the requirements of monitoring, recordkeeping, reporting, and compliance assurance. These Kentucky regulations have been reviewed and approved as being at least as protective as Federal requirements for existing MSW landfills.

The Plan outlines how the Kentucky DAQ will provide progress reports of Plan implementation updates to the EPA on an annual basis. These progress reports will include the required items pursuant to 40 CFR part 60, subpart B. This portion of the Plan has been reviewed and approved as meeting the Federal requirement for Plan reporting.

Consequently, EPA finds that the Kentucky State Plan meets all of the requirements applicable to such plans in 40 CFR part 60, subparts B and Cc. The Kentucky DAQ did not, however, submit evidence of authority to regulate existing MSW landfills in Indian Country. Therefore, EPA is not approving this Plan as it relates to those sources.

III. Final Action

Based on the rationale discussed above, EPA is approving the Commonwealth of Kentucky section 111(d) Plan, as submitted on December 3, 1998, for the control of landfill gas from existing MSW landfills. As provided by 40 CFR 60.28(c), any revisions to the Kentucky State Plan or associated regulations will not be considered part of the applicable plan until submitted by the Kentucky DAQ in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the revision should significant, material, and adverse comments be filed. This action will be effective June 21, 1999 unless by May 20, 1999, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective June 21, 1999.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any section 111(d) plan. Each request for revision to the section 111(d) plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government,

unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Disclaimer Language Approving SIP Revisions in Audit Law States

Nothing in this action should be construed as making any determination or expressing any position regarding Kentucky's audit privilege and penalty immunity law, Kentucky KRS 224.01–040 or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Kentucky's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

H. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

I. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other

required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

J. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Municipal waste combustors, Reporting and recordkeeping requirements.

Dated: March 24, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR Part 62 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart S—Kentucky

2. Section 62.4350 is amended by adding paragraphs (b)(2) and (c)(4) to read as follows:

§ 62.4350 Identification of plan.

* * * * *

(b) * * *

(2) Commonwealth of Kentucky's Section 111(d) Plan For Existing Municipal Solid Waste Landfills, submitted on December 3, 1998, by the Kentucky Division for Air Quality.

(c) * * *

(4) Existing municipal solid waste landfills.

3. Subpart S is amended by adding a new § 62.4355 and a new undesignated center heading to read as follows:

Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.4355 Identification of sources.

The plan applies to existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

[FR Doc. 99–9595 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 1224 and 2508

RIN 3045–AA22

Implementation of the Privacy Act of 1974

AGENCY: Corporation for National and Community Service.

ACTION: Final rule.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation'') has revised its regulations under the Privacy Act. The Corporation redesignated the existing regulations under former ACTION's CFR chapter as updated regulations under the Corporation's CFR chapter. The Corporation expects this rule will promote consistency in its processing of Privacy Act requests by setting forth the basic policies of the Corporation governing the maintenance of its system of records which contains the personal information of its employees.

DATES: This final rule is effective May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Bill Hudson, Corporation Freedom of Information Act/Privacy Act Officer, at (202) 606–5000, ext. 265.

SUPPLEMENTARY INFORMATION: The Corporation published a notice of proposed rulemaking on March 5, 1999 (64 FR 10872) announcing its intention to redesignate the existing regulations under former ACTION's CFR chapter as updated regulations under the Corporation's CFR chapter. The Corporation did not receive any comments on this proposed rule. The Corporation is a wholly-owned government corporation created by Congress to administer programs established under the national service laws. The Corporation operates under two statutes, the National and Community Service Act of 1990, as amended, 42 U.S.C. 12501 *et seq.*, and the Domestic Volunteer Service Act of 1973, as amended, 42 U.S.C. 4950 *et seq*.

The functions of the ACTION agency were transferred to the Corporation on April 4, 1994. This final rule redesignates ACTION's policy at 45 CFR Chapter XII, part 1224, to be revised as 45 CFR Chapter XXV, part 2508, and governs the Corporation as a whole. The Distribution Table in the Preamble compares the earlier version of CFR part numbers under 45 Chapter XII, part 1224, with the new CFR part numbers assigned under 45 Chapter XXV, part 2508. The subjects listed in 45 CFR Chapter XII, part 1224, are revised and redesignated under 45 CFR Chapter XXV, part 2508, to reflect the new subject listings. The redesignated subpart numbers under 45 CFR Chapter XXV, part 2508, are written in a plain language format as questions/answers to provide for a better understanding of the Corporation's revised Privacy Act regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866. The Office of Management and Budget has reviewed this rule and has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review.

Paperwork Reduction Act

I certify that this regulation does not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of

$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Submission to Congress and the Office of Management and Budget

This rule is hereby submitted pursuant to 5 U.S.C. 552a(f) for printing in the **Federal Register**. A copy has been sent to the Chairman of the Committee on Government Reform and Oversight of the House of Representatives; the Chairman of the Committee on Governmental Affairs of the Senate; and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, in accordance with 5 U.S.C. 552a(e)(4) and (a)(r).

DISTRIBUTION TABLE

Old 45 CFR part 1224	New 45 CFR part 2508
1224.1–1	2508.2
1224.1–2	2508.3
1224.1–3	2508.1
1224.1–4	2508.4
1224.1–5	2508.5
1224.1–5a	2505.6
1224.1–6	2508.7
1224.1–7	None
1224.1–8	2508.8
1224.1–9	2508.9
1224.1–10	2508.10
1224.1–11	2508.11
1224.1–12	2508.12
1224.1–13	2508.13
1224.1–14	2508.19
1224.1–15	2508.14
1224.1–16	2508.15
1224.1–17	2508.16
1224.1–18	2508.17
1224.1–19	None
None	2508.18
None	2508.20

List of Subjects in 45 CFR Parts 1224 and 2508

Privacy.

Accordingly, and under the authority of 42 U.S.C. 12501 *et seq.*, and 42 U.S.C. 4950 *et seq.*, the Corporation amends 45 CFR chapters XII and XXV as follows:

PART 1224—[REDESIGNATED AS PART 2508]

1. Part 1224 in 45 CFR chapter XII is redesignated as part 2508 in 45 CFR chapter XXV and is revised to read as follows:

PART 2508—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

Sec.

Authority: 5 U.S.C. 552a; 42 U.S.C. 12501 *et seq.*; 42 U.S.C. 4950 *et seq.*

§ 2508.1 Definitions.

(a) *Amend* means to make a correction to, or expunge any portion of, a record about an individual which that individual believes is not accurate, relevant, timely, or complete.

(b) *Appeal Officer* means the individual delegated the responsibility to act on all appeals filed under the Privacy Act.

(c) *Chief Executive Officer* means the Head of the Corporation.

(d) *Corporation* means the Corporation for National and Community Service.

(e) *Individual* means any citizen of the United States or an alien lawfully admitted for permanent residence.

(f) *Maintain* means to collect, use, store, disseminate or any combination of these recordkeeping functions; exercise of control over and therefore, responsibility and accountability for, systems of records.

(g) *Personnel record* means any information about an individual that is maintained in a system of records by the Corporation that is needed for personnel management or processes such as staffing, employment development, retirement, grievances, and appeals.

(h) *Privacy Act Officer* means the individual delegated the authority to allow access to, the release of, or the withholding of records pursuant to an official Privacy Act request. The Privacy Act Officer is further delegated the authority to make the initial determination on all requests to amend records.

(i) *Record* means any document or other information about an individual maintained by the agency whether collected or grouped, and including, but not limited to, information regarding education, financial transactions, medical history, criminal or employment history, or any other personal information that contains the name or other personal identification number, symbol, etc. assigned to such individual.

(j) *Routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(k) *System of records* means a group of any records under the maintenance and control of the Corporation from which information is retrieved by use of the name of an individual or by some personal identifier of the individual.

§ 2508.2 What is the purpose of this part?

The purpose of this part is to set forth the basic policies of the Corporation governing the maintenance of its system of records which contains personal information concerning its employees as defined in the Privacy Act (5 U.S.C. 552a). Records included in this part are those described in aforesaid act and maintained by the Corporation and/or any component thereof.

§ 2508.3 What is the Corporation's Privacy Act policy?

It is the policy of the Corporation to protect, preserve, and defend the right

of privacy of any individual about whom the Corporation maintains personal information in any system of records and to provide appropriate and complete access to such records including adequate opportunity to correct any errors in said records. Further, it is the policy of the Corporation to maintain its records in such a manner that the information contained therein is, and remains material and relevant to the purposes for which it is received in order to maintain its records with fairness to the individuals who are the subjects of such records.

§ 2508.4 When can Corporation records be disclosed?

(a) (1) The Corporation will not disclose any record that is contained in its system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless disclosure of the record would be:

(i) To employees of the Corporation who maintain the record and who have a need for the record in the performance of their official duties;

(ii) When required under the provisions of the Freedom of Information Act (5 U.S.C. 552);

(iii) For routine uses as appropriately published in the annual notice of the **Federal Register**;

(iv) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13;

(v) To a recipient who has provided the Corporation with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(vi) To the National Archives and Records Administration of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;

(vii) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Corporation for such records specifying the particular portion desired and the law enforcement activity for which the record is sought. Such a record may also be disclosed by the Corporation to the law enforcement agency on its own initiative in situations in which criminal conduct is suspected provided that such disclosure has been established as a routine use or in situations in which the misconduct is directly related to the purpose for which the record is maintained;

(viii) To a person pursuant to a showing of compelling circumstances affecting the health or safety of any individual if, upon such disclosure, notification is transmitted to the last known address of such individual;

(ix) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(x) To the Comptroller General or any of his or her authorized representatives, in the course of the performance of official duties in the General Accounting Office;

(xi) Pursuant to an order of a court of competent jurisdiction served upon the Corporation pursuant to 45 CFR 1201.3, and provided that if any such record is disclosed under such compulsory legal process and subsequently made public by the court which issued it, the Corporation must make a reasonable effort to notify the individual to whom the record pertains of such disclosure;

(xii) To a contractor, expert, or consultant of the Corporation (or an office within the Corporation) when the purpose of the release to perform a survey, audit, or other review of the Corporation's procedures and operations; and

(xiii) To a consumer reporting agency in accordance with section 3711(f) of title 31.

§ 2508.5 When does the Corporation publish its notice of its system of records?

The Corporation shall publish annually a notice of its system of records maintained by it as defined herein in the format prescribed by the General Services Administration in the **Federal Register**; provided, however, that such publication shall not be made for those systems of records maintained by other agencies while in the temporary custody of the Corporation.

§ 2508.6 When will the Corporation publish a notice for new routine uses of information in its system of records?

At least 30 days prior to publication of information under the preceding section, the Corporation shall publish in the **Federal Register** a notice of its intention to establish any new routine use of any system of records maintained by it with an opportunity for public comments on such use. Such notice shall contain the following:

(a) The name of the system of records for which the routine use is to be established.

(b) The authority for the system.

(c) The purpose for which the record is to be maintained.

(d) The proposed routine use(s).

(e) The purpose of the routine use(s).

(f) The categories of recipients of such use. In the event of any request for an addition to the routine uses of the systems which the Corporation maintains, such request may be sent to the following office: Corporation for National and Community Service, Director, Administration and Management Services, Room 6100, 1201 New York Avenue, NW, Washington, DC 20525.

§ 2508.7 To whom does the Corporation provide reports regarding changes in its system of records?

The Corporation shall provide to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, advance notice of any proposal to establish or alter any system of records as defined herein. This report will be submitted in accordance with guidelines provided by the Office of Management and Budget.

§ 2508.8 Who is responsible for establishing the Corporation's rules of conduct for Privacy Act compliance?

(a) The Chief Executive Officer shall ensure that all persons involved in the design, development, operation or maintenance of any system of records as defined herein are informed of all requirements necessary to protect the privacy of individuals who are the subject of such records. All employees shall be informed of all implications of the Act in this area including the civil remedies provided under 5 U.S.C. 552a(g)(1) and the fact that the Corporation may be subject to civil remedies for failure to comply with the provisions of the Privacy Act and this regulation.

(b) The Chief Executive Officer shall also ensure that all personnel having access to records receive adequate training in the protection of the security of personal records, and that adequate and proper storage is provided for all such records with sufficient security to assure the privacy of such records.

§ 2508.9 What officials are responsible for the security, management and control of Corporation record keeping systems?

(a) The Director of Administration and Management Services shall have overall control and supervision of the security of all systems of records and shall be responsible for monitoring the security standards set forth in this regulation.

(b) A designated official (System Manager) shall be named who shall have management responsibility for each record system maintained by the Corporation and who shall be responsible for providing protection and accountability for such records at all times and for insuring that such records are secured in appropriate containers whenever not in use or in the direct control of authorized personnel.

§ 2508.10 Who has the responsibility for maintaining adequate technical, physical, and security safeguards to prevent unauthorized disclosure or destruction of manual and automatic record systems?

The Chief Executive Officer has the responsibility of maintaining adequate technical, physical, and security safeguards to prevent unauthorized disclosure or destruction of manual and automatic record systems. These security safeguards shall apply to all systems in which identifiable personal data are processed or maintained, including all reports and outputs from such systems that contain identifiable personal information. Such safeguards must be sufficient to prevent negligent, accidental, or unintentional disclosure, modification or destruction of any personal records or data, and must furthermore minimize, to the extent practicable, the risk that skilled technicians or knowledgeable persons could improperly obtain access to modify or destroy such records or data and shall further insure against such casual entry by unskilled persons without official reasons for access to such records or data.

(a) *Manual systems.* (1) Records contained in a system of records as defined herein may be used, held or stored only where facilities are adequate to prevent unauthorized access by persons within or outside the Corporation.

(2) All records, when not under the personal control of the employees authorized to use the records, must be stored in a locked metal filing cabinet. Some systems of records are not of such confidential nature that their disclosure would constitute a harm to an individual who is the subject of such record. However, records in this category shall also be maintained in locked metal filing cabinets or maintained in a secured room with a locking door.

(3) Access to and use of a system of records shall be permitted only to persons whose duties require such access within the Corporation, for routine uses as defined in § 2508.4 as to any given system, or for such other uses as may be provided herein.

(4) Other than for access within the Corporation to persons needing such records in the performance of their official duties or routine uses as defined in § 2508.4, or such other uses as provided herein, access to records within a system of records shall be permitted only to the individual to whom the record pertains or upon his or her written request to the Director, Administration and Management Services.

(5) Access to areas where a system of records is stored will be limited to those persons whose duties require work in such areas. There shall be an accounting of the removal of any records from such storage areas utilizing a written log, as directed by the Director, Administration and Management Services. The written log shall be maintained at all times.

(6) The Corporation shall ensure that all persons whose duties require access to and use of records contained in a system of records are adequately trained to protect the security and privacy of such records.

(7) The disposal and destruction of records within a system of records shall be in accordance with rules promulgated by the General Services Administration.

(b) *Automated systems.* (1) Identifiable personal information may be processed, stored or maintained by automated data systems only where facilities or conditions are adequate to prevent unauthorized access to such systems in any form. Whenever such data, whether contained in punch cards, magnetic tapes or discs, are not under the personal control of an authorized person, such information must be stored in a locked or secured room, or in such other facility having greater safeguards than those provided for herein.

(2) Access to and use of identifiable personal data associated with automated data systems shall be limited to those persons whose duties require such access. Proper control of personal data in any form associated with automated data systems shall be maintained at all times, including maintenance of accountability records showing disposition of input and output documents.

(3) All persons whose duties require access to processing and maintenance of identifiable personal data and automated systems shall be adequately trained in the security and privacy of personal data.

(4) The disposal and disposition of identifiable personal data and automated systems shall be done by shredding, burning or in the case of tapes or discs, degaussing, in accordance with any regulations now or hereafter proposed by the General Services Administration or other appropriate authority.

§ 2508.11 How shall offices maintaining a system of records be accountable for those records to prevent unauthorized disclosure of information?

(a) Each office maintaining a system of records shall account for all records within such system by maintaining a written log in the form prescribed by the Director, Administration and Management Services, containing the following information:

(1) The date, nature, and purpose of each disclosure of a record to any person or to another agency. Disclosures made to employees of the Corporation in the normal course of their duties, or pursuant to the provisions of the Freedom of Information Act, need not be accounted for.

(2) Such accounting shall contain the name and address of the person or agency to whom the disclosure was made.

(3) The accounting shall be maintained in accordance with a system of records approved by the Director, Administration and Management Services, as sufficient for the purpose but in any event sufficient to permit the construction of a listing of all disclosures at appropriate periodic intervals.

(4) The accounting shall reference any justification or basis upon which any release was made including any written documentation required when records are released for statistical or law enforcement purposes under the provisions of subsection (b) of the Privacy Act of 1974 (5 U.S.C. 552a).

(5) For the purpose of this part, the system of accounting for disclosures is not a system of records under the definitions hereof, and need not be maintained within a system of records.

(6) Any subject individual may request access to an accounting of disclosures of a record. The subject individual shall make a request for access to an accounting in accordance with § 2508.13. An individual will be granted access to an accounting of the disclosures of a record in accordance with the procedures of this subpart which govern access to the related

record. Access to an accounting of a disclosure of a record made under § 2508.13 may be granted at the discretion of the Director, Administration and Management Services.

§ 2508.12 What are the contents of the systems of record that are to be maintained by the Corporation?

(a) The Corporation shall maintain all records that are used in making determinations about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(b) In situations in which the information may result in adverse determinations about such individual's rights, benefits and privileges under any Federal program, all information placed in a system of records shall, to the greatest extent practicable, be collected from the individual to whom the record pertains.

(c) Each form or other document that an individual is expected to complete in order to provide information for any system of records shall have appended thereto, or in the body of the document:

(1) An indication of the authority authorizing the solicitation of the information and whether the provision of the information is mandatory or voluntary.

(2) The purpose or purposes for which the information is intended to be used.

(3) Routine uses which may be made of the information and published pursuant to § 2508.6.

(4) The effect on the individual, if any, of not providing all or part of the required or requested information.

(d) Records maintained in any system of records used by the Corporation to make any determination about any individual shall be maintained with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the making of any determination about such individual, provided, however, that the Corporation shall not be required to update or keep current retired records.

(e) Before disseminating any record about any individual to any person other than an employee in the Corporation, unless the dissemination is made pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), the Corporation shall make reasonable efforts to ensure that such records are, or were at the time they were collected, accurate, complete, timely and relevant for Corporation purposes.

(f) Under no circumstances shall the Corporation maintain any record about any individual with respect to or describing how such individual exercises rights guaranteed by the First Amendment of the Constitution of the United States, unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity.

(g) In the event any record is disclosed as a result of the order of a court of appropriate jurisdiction, the Corporation shall make reasonable efforts to notify the individual whose record was so disclosed after the process becomes a matter of public record.

§ 2508.13 What are the procedures for acquiring access to Corporation records by an individual about whom a record is maintained?

(a) Any request for access to records from any individual about whom a record is maintained will be addressed to the Corporation for National and Community Service, Office of the General Counsel, Attn: Privacy Act Officer, Room 8200, 1201 New York Avenue, NW, Washington, DC 20525, or delivered in person during regular business hours, whereupon access to his or her record, or to any information contained therein, if determined to be releasable, shall be provided.

(b) If the request is made in person, such individual may, upon his or her request, be accompanied by a person of his or her choosing to review the record and shall be provided an opportunity to have a copy made of any record about such individual.

(c) A record may be disclosed to a representative chosen by the individual as to whom a record is maintained upon the proper written consent of such individual.

(d) A request made in person will be promptly complied with if the records sought are in the immediate custody of the Corporation. Mailed requests or personal requests for documents in storage or otherwise not immediately available, will be acknowledged within 10 working days, and the information requested will be promptly provided thereafter.

(e) With regard to any request for disclosure of a record, the following procedures shall apply:

(1) Medical or psychological records shall be disclosed to an individual unless, in the judgment of the Corporation, access to such records might have an adverse effect upon such individual. When such determination has been made, the Corporation may require that the information be disclosed only to a physician chosen by the requesting individual. Such physician shall have full authority to disclose all or any portion of such record to the requesting individual in the exercise of his or her professional judgment.

(2) Test material and copies of certificates or other lists of eligibles or any other listing, the disclosure of which would violate the privacy of any other individual, or be otherwise exempted by the provisions of the Privacy Act, shall be removed from the record before disclosure to any individual to whom the record pertains.

§ 2508.14 What are the identification requirements for individuals who request access to records?

The Corporation shall require reasonable identification of all individuals who request access to records to ensure that records are disclosed to the proper person.

(a) In the event an individual requests disclosure in person, such individual shall be required to show an identification card such as a drivers license, etc., containing a photo and a sample signature of such individual. Such individual may also be required to sign a statement under oath as to his or her identity, acknowledging that he or she is aware of the penalties for improper disclosure under the provisions of the Privacy Act.

(b) In the event that disclosure is requested by mail, the Corporation may request such information as may be necessary to reasonably ensure that the individual making such request is properly identified. In certain cases, the Corporation may require that a mail request be notarized with an indication that the notary received an acknowledgment of identity from the individual making such request.

(c) In the event an individual is unable to provide suitable documentation or identification, the Corporation may require a signed notarized statement asserting the identity of the individual and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

(d) In the event a requestor wishes to be accompanied by another person while reviewing his or her records, the Corporation may require a written statement authorizing discussion of his or her records in the presence of the accompanying representative or other persons.

§ 2508.15 What are the procedures for requesting inspection of, amendment or correction to, or appeal of an individual's records maintained by the Corporation other than that individual's official personnel file?

(a) A request for inspection of any record shall be made to the Director, Administration and Management Services. Such request may be made by mail or in person provided, however, that requests made in person may be required to be made upon a form provided by the Director of Administration and Management Services who shall keep a current list of all systems of records maintained by the Corporation and published in accordance with the provisions of this regulation. However, the request need not be in writing if the individual makes his or her request in person. The requesting individual may request that the Corporation compile all records pertaining to such individual at any named Service Center/State Office, AmeriCorps*NCCC Campus, or at Corporation Headquarters in Washington, DC, for the individual's inspection and/or copying. In the event an individual makes such request for a compilation of all records pertaining to him or her in various locations, appropriate time for such compilation shall be provided as may be necessary to promptly comply with such requests.

(b) Any such requests should contain, at a minimum, identifying information needed to locate any given record and a brief description of the item or items of information required in the event the individual wishes to see less than all records maintained about him or her.

(1) In the event an individual, after examination of his or her record, desires to request an amendment or correction of such records, the request must be submitted in writing and addressed to the Corporation for National and Community Service, Office of the General Counsel, Attn: Privacy Act Officer, Room 8200, 1201 New York Avenue, NW, Washington, DC 20525. In his or her written request, the individual shall specify:

(i) The system of records from which the record is retrieved;

(ii) The particular record that he or she is seeking to amend or correct;

(iii) Whether he or she is seeking an addition to or a deletion or substitution of the record; and,

(iv) His or her reasons for requesting amendment or correction of the record.

(2) A request for amendment or correction of a record will be acknowledged within 10 working days of its receipt unless the request can be processed and the individual informed of the Privacy Act Officer's decision on the request within that 10 day period.

(3) If the Privacy Act Officer agrees that the record is not accurate, timely, or complete, based on a preponderance of the evidence, the record will be corrected or amended. The record will be deleted without regard to its accuracy, if the record is not relevant or necessary to accomplish the Corporation's function for which the record was provided or is maintained. In either case, the individual will be informed in writing of the amendment, correction, or deletion and, if accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(4) If the Privacy Act Officer does not agree that the record should be amended or corrected, the individual will be informed in writing of the refusal to amend or correct the record. He or she will also be informed that he or she may appeal the refusal to amend or correct his or her record in accordance with § 2508.17.

(5) Requests to amend or correct a record governed by the regulation of another government agency will be forwarded to such government agency for processing and the individual will be informed in writing of the referral.

(c) In the event an individual disagrees with the Privacy Act Officer's initial determination, he or she may appeal such determination to the Appeal Officer in accordance with § 2508.17. Such request for review must be made within 30 days after receipt by the requestor of the initial refusal to amend.

§ 2508.16 What are the procedures for filing an appeal for refusal to amend or correct records?

(a) In the event an individual desires to appeal any refusal to correct or amend records, he or she may do so by addressing, in writing, such appeal to the Corporation for National and Community Service, Office of the Chief Operating Officer, Attn: Appeal Officer, 1201 New York Avenue NW, Washington, DC 20525. Although there is no time limit for such appeals, the Corporation shall be under no obligation to maintain copies of original requests or responses thereto beyond 180 days from the date of the original request.

(b) An appeal will be completed within 30 working days from its receipt by the Appeal Officer; except that, the appeal authority may, for good cause, extend this period for an additional 30 days. Should the appeal period be extended, the individual appealing the original refusal will be informed in writing of the extension and the circumstances of the delay. The individual's request for access to or to amend or correct the record, the Privacy Act Officer's refusal to amend or correct the record, and any other pertinent material relating to the appeal will be reviewed. No hearing will be held.

(c) If the Appeal Officer determines that the record that is the subject of the appeal should be amended or corrected, the record will be amended or corrected and the individual will be informed in writing of the amendment or correction. Where an accounting was made of prior disclosures of the record, all previous recipients of the record will be informed of the corrective action taken.

(d) If the appeal is denied, the subject individual will be informed in writing:

(1) Of the denial and reasons for the denial;

(2) That he or she has a right to seek judicial review of the denial; and

(3) That he or she may submit to the Appeal Officer a concise statement of disagreement to be associated with the disputed record and disclosed whenever the record is disclosed.

(e) Whenever an individual submits a statement of disagreement to the Appeal Officer in accordance with paragraph (d)(3) of this section, the record will be annotated to indicate that it is disputed. In any subsequent disclosure, a copy of the subject individual's statement of disagreement will be disclosed with the record. If the appeal authority deems it appropriate, a concise statement of the Appeal Officer's reasons for denying the individual's appeal may also be disclosed with the record. While the individual will have access to this statement of reasons, such statement will not be subject to correction or amendment. Where an accounting was made of prior disclosures of the record, all previous recipients of the record will be provided a copy of the individual's statement of disagreement, as well as the statement, if any, of the Appeal Officer's reasons for denying the individual's appeal.

§ 2508.17 When shall fees be charged and at what rate?

(a) No fees shall be charged for search time or for any other time expended by the Corporation to review or produce a record except where an individual requests that a copy be made of the record to which he or she is granted access. Where a copy of the record must be made in order to provide access to the record (e.g., computer printout where no screen reading is available), the copy will be made available to the individual without cost.

(b) The applicable fee schedule is as follows:

(1) Each copy of each page, up to 8½″×14″, made by photocopy or similar process is $0.10 per page.

(2) Each copy of each microform frame printed on paper is $0.25.

(3) Each aperture card is $0.25.

(4) Each 105-mm fiche is $0.25.

(5) Each 100′ foot role of 35-mm microfilm is $7.00.

(6) Each 100′ foot role of 16-mm microfilm is $6.00.

(7) Each page of computer printout without regard to the number of carbon copies concurrently printed is $0.20.

(8) Copying records not susceptible to photocopying (e.g., punch cards or magnetic tapes), at actual cost to be determined on a case-by-case basis.

(9) Other copying forms (e.g., typing or printing) will be charged at direct costs, including personnel and equipment costs.

(c) All copying fees shall be paid by the individual before the copying will be undertaken. Payments shall be made by check or money order payable to the ''Corporation for National and Community Service,'' and provided to the Privacy Act Officer processing the request.

(d) A copying fee shall not be charged or collected, or alternatively, it may be reduced, when it is determined by the Privacy Act Officer, based on a petition, that the petitioning individual is indigent and that the Corporation's resources permit a waiver of all or part of the fee. An individual is deemed to be indigent when he or she is without income or lacks the resources sufficient to pay the fees.

(e) Special and additional services provided at the request of the individual, such as certification or authentication, postal insurance and special mailing arrangement costs, will be charged to the individual.

(f) A copying fee totaling $5.00 or less shall be waived, but the copying fees for contemporaneous requests by the same individual shall be aggregated to determine the total fee.

§ 2508.18 What are the penalties for obtaining a record under false pretenses?

The Privacy Act provides, in pertinent part that:

(a) Any person who knowingly and willfully requests to obtain any record concerning an individual from the Corporation under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000 (5 U.S.C. 552a(I)(3)).

(b) A person who falsely or fraudulently attempts to obtain records under the Privacy Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495 and 1001.

§ 2508.19 What Privacy Act exemptions or control of systems of records are exempt from disclosure?

(a) Certain systems of records that are maintained by the Corporation are exempted from provisions of the Privacy Act in accordance with exemptions (j) and (k) of 5 U.S.C. 552a.

(1) Exemption of Inspector General system of records. Pursuant to, and limited by 5 U.S.C. 552a(j)(2), the system of records maintained by the Office of the Inspector General that contains the Investigative Files shall be exempted from the provisions of 5 U.S.C. 552a, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e)(6)(7), (9), (10), and (11), and (I), and 45 CFR 2508.11, 2508.12, 2508.13, 2508.14, 2508.15, 2508.16, and 2508.17, insofar as the system contains information pertaining to criminal law enforcement investigations.

(2) Pursuant to, and limited by 5 U.S.C. 552a(k)(2), the system of records maintained by the Office of the Inspector General that contains the Investigative Files shall be exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f), and 45 CFR 2508.11, 2508.12, 2508.13, 2508.14, 2508.15, 2508.16, and 2508.17, insofar as the system contains investigatory materials compiled for law enforcement purposes.

(b) Exemptions to the General Counsel system of records. Pursuant to, and limited by 5 U.S.C. 552a(d)(5), the system of records maintained by the Office of the General Counsel that contains the Legal Office Litigation/ Correspondence Files shall be exempted from the provisions of 5 U.S.C. 552a(d)(5), and 45 CFR 2508.4, insofar as the system contains information compiled in reasonable anticipation of a civil action or proceeding.

§ 2508.20 What are the restrictions regarding the release of mailing lists?

An individual's name and address may not be sold or rented by the Corporation unless such action is specifically authorized by law. This section does not require the withholding of names and addresses otherwise permitted to be made public.

Dated: April 15, 1999.

Thomas L. Bryant,

Acting General Counsel.

[FR Doc. 99–9857 Filed 4–19–99; 8:45 am]

BILLING CODE 6050–28–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–227; RM–9159; RM–9229; RM–9230]

Radio Broadcasting Services; Wasilla and Sterling, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 265C2 to Wasilla, Alaska, in lieu of previously proposed Channel 273C2, as that community's second local FM transmission service, in response to a petition for rule making filed on behalf of KMBQ Corporation (RM–9159). *See* 62 FR 61719, November 19, 1997. Additionally, in response to a counterproposal (RM–9229), the licensee issued to Morris Communications Corporation for Station KMXS(FM), Anchorage, is modified to specify operation on Channel 276C1 at coordinates 61–08–13 NL and 149–50–06 WL. (*See* Supplementary Information, *infra.*) Also, Channel 231C2 is allotted to Sterling, Alaska, as that community's first local aural transmission service, in response to a counterproposal filed on behalf of Chester P. Coleman (RM–9230). Coordinates used for Channel 265C2 at Wasilla, Alaska, are 61–38–05 NL and 149–22–14 WL. Coordinates used for Channel 231C2 at Sterling, Alaska, are 60–32–18 NL and 150–45–30 WL. With this action, the proceeding is terminated.

DATES: Effective May 24, 1999. A filing window for Channel 265C2 at Wasilla, Alaska, and for Channel 231C2 at Sterling, Alaska, will not be opened at this time. Instead, the issue of opening a filing window for those channels will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–227, adopted March 31, 1999, and released April 9, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased

from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

We wish to clarify that although Channel 276C1 currently appears in the FM Table of Allotments at Anchorage, it was downgraded to Channel 276C2 on August 26, 1994, at the request of the former licensee of Station KMXS(FM) (see File No. BPH–931229IA). An editorial amendment to the Table of Allotments was never made to reflect the change at Anchorage. Therefore, it is not necessary to amend the Table of Allotments with respect to that community. However, Morris Communications Corporation is expected to abide by the requirements of Section 1.1104(3)(1) of the Commission's Rules when filing its application to implement the upgrade for Station KMXS(FM) at Anchorage.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by adding Sterling, Channel 231C2.

3. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by adding Channel 265C2 at Wasilla.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–9766 Filed 4–19–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF59

Endangered and Threatened Wildlife and Plants; Emergency Rule To List the Sierra Nevada Distinct Population Segment of California Bighorn Sheep as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Emergency rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), exercise our authority to emergency list the Sierra Nevada distinct population segment of California bighorn sheep (*Ovis canadensis californiana*), occupying the Sierra Nevada of California, as endangered under the Endangered Species Act of 1973, as amended (Act). The Sierra Nevada bighorn sheep is known from five disjunct subpopulations along the eastern escarpment of the Sierra Nevada totaling about 100 animals.

All five subpopulations are very small and are imminently threatened by mountain lion (*Puma concolor*) predation and disease. Because these threats constitute an emergency posing a significant risk to the well-being of the Sierra Nevada bighorn sheep, we find that emergency listing is necessary. This emergency rule provides Federal protection pursuant to the Act for this species for a period of 240 days. A proposed rule to list the Sierra Nevada bighorn sheep as endangered is published concurrently with this emergency rule in this same issue of the **Federal Register** in the proposed rule section.

DATES: This emergency rule becomes effective immediately upon publication and expires December 16, 1999.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Rd. Suite B, Ventura, California 93003.

FOR FURTHER INFORMATION CONTACT: Carl Benz, at the address listed above (telephone 805/644–1766; facsimile 805/644–3958).

Background

The bighorn sheep (*Ovis canadensis*) is a large mammal (family Bovidae) originally described by Shaw in 1804 (Wilson and Reeder 1993). Several subspecies of bighorn sheep have been recognized on the basis of geography and differences in skull measurements (Cowan 1940; Buechner 1960). These subspecies of bighorn sheep, as described in these early works, include *O. c. cremnobates* (Peninsular bighorn sheep), *O. c. nelsoni* (Nelson bighorn sheep), *O. c. mexicana* (Mexican bighorn sheep), *O. c. weemsi* (Weems bighorn sheep), *O. c. californiana* (California bighorn sheep), and *O. c. canadensis* (Rocky Mountain bighorn sheep). However, recent genetic studies question the validity of some of these subspecies and suggest a need to re-evaluate overall bighorn sheep taxonomy. For example, Sierra Nevada bighorn sheep appear to be more closely related to desert bighorn sheep than the *O. c. californiana* found in British Columbia (Ramey 1991, 1993). Regardless, the Sierra Nevada bighorn sheep meets our criteria for consideration as a distinct vertebrate population segment (as discussed below) and is treated as such in this emergency rule.

The historical range of the Sierra Nevada bighorn sheep (*Ovis canadensis californiana*) includes the eastern slope of the Sierra Nevada, and, for at least one subpopulation, a portion of the western slope, from Sonora Pass in Mono County south to Walker Pass in Kern County, a total distance of about 346 kilometers (km) (215 miles (mi)) (Jones 1950; Wehausen 1979, 1980). By the turn of the century, about 10 out of 20 historical subpopulations survived. The number dropped to five subpopulations at mid-century, and down to two subpopulations in the 1970s, near Mount Baxter and Mount Williamson in Inyo County (Wehauser 1979). Currently, five subpopulations of Sierra Nevada bighorn sheep occur at Lee Vining Canyon, Wheeler Crest, Mount Baxter, Mount Williamson, and Mount Langley in Mono and Inyo counties, three of which are reintroduced subpopulations established from sheep obtained from the Mount Baxter subpopulation from 1979 to 1986 (Wehausen *et al.* 1987).

The Sierra Nevada bighorn sheep is similar in appearance to other desert associated bighorn sheep. The species' pelage shows a great deal of color variation, ranging from almost white to dark brown, with a white rump. Males and females have permanent horns; the horns are massive and coiled in males, and are smaller and not coiled in females (Jones 1950; Buechner 1960). As the animals age, their horns become rough and scarred with age, and will vary in color from yellowish-brown to dark brown. In comparison to many other desert bighorn sheep, the horns of the Sierra Nevada bighorn sheep are generally more divergent as they coil out from the base (Wehausen 1983). Adult male sheep stand up to a meter (m) (3 feet (ft)) tall at the shoulder; males weigh up to 99 kilograms (kg) (220 pounds (lbs)) and females 63 kg (140 lbs) (Buechner 1960).

The current and historical habitat of the Sierra Nevada bighorn sheep is almost entirely on public land managed by the U.S. Forest Service (USFS), Bureau of Land Management (BLM), and National Park Service (NPS). The Sierra Nevada is located along the eastern boundary of California, and peaks vary

in elevation from 1825 to 2425 (m) (6000 to 8000 ft) in the north, to over 4300 m (14,000 ft) in the south adjacent to Owens Valley, and then drop rapidly in elevation in the southern extreme end of the range (Wehausen 1980). Most precipitation, in the form of snow, occurs from October through April (Wehausen 1980).

Sierra Nevada bighorn sheep inhabit the alpine and subalpine zones during the summer, using open slopes where the land is rough, rocky, sparsely vegetated and characterized by steep slopes and canyons (Wehausen 1980: Sierra Nevada Bighorn Sheep Interagency Advisory Group (Advisory Group) 1997). Most of these sheep live between 3,050 and 4,270 m (10,000 and 14,000 ft) in elevation in summer (John Wehausen, University of California, White Mountain Research Station, pers. comm. 1999). In winter, they occupy high, windswept ridges, or migrate to the lower elevation sagebrush-steppe habitat as low as 1,460 m (4,800 ft) to escape deep winter snows and find more nutritious forage. Bighorn sheep tend to exhibit a preference for south-facing slopes in the winter (Wehausen 1980). Lambing areas are on safe steep, rocky slopes. They prefer open terrain where they are better able to see predators. For these reasons, they usually avoid forests and thick brush if possible (J. Wehausen, pers. comm. 1999).

Bighorn sheep are primarily diurnal, and their daily activity show some predictable patterns that consists of feeding and resting periods (Jones 1950). Bighorn sheep are primarily grazers, however, they may browse woody vegetation when it is growing and very nutritious. They are opportunistic feeders selecting the most nutritious diet from what is available. Plants consumed include varying mixtures of graminoids (grasses), browse (shoots, twigs, and leaves of trees and shrubs), and herbaceous plants depending on season and location (Wehausen 1980). In a study of the Mount Baxter and Mount Williamson subpopulations, Wehausen (1980) found that grass, mainly *Stipa speciosa* (perennial needlegrass), is the primary diet item in winter. As spring green-up progresses, the bighorn sheep shift from grass to a more varied browse diet, which includes *Ephedra viridis* (Mormon tea), *Eriogonum fasciculatum* (California buckwheat), and *Purshia* species (bitterbrush).

Sierra Nevada bighorn sheep are gregarious, with group size and composition varying with gender and from season to season. Spatial segregation of males and females occurs outside the mating season, with males more than 2 years old living apart from females and younger males for most of the year (Jones 1950; Cowan and Geist 1971; Wehausen 1980). Ewes generally remain all their lives in the same band into which they were born (Cowan and Geist 1971). During the winter, Sierra Nevada bighorn sheep concentrate in those areas suitable for wintering, preferably Great Basin habitat (sagebrush steppe) at the very base of the eastern escarpment. Subpopulation size can number more than 100 sheep, including rams (this was observed at a time when the population size was larger than it is currently) (J. Wehausen, pers. comm. 1999). By summer, these subpopulations decrease in size as more habitat becomes available. Breeding takes place in the fall, generally in November (Cowan and Geist 1971). Single births are the norm for North American wild sheep, but twinning is known to occur (Wehausen 1980). Gestation is about 6 months (Cowan and Geist 1971).

Lambing occurs between late April to early July, with most lambs born in May or June (Wehausen 1980, 1996). Ewes with newborn lambs live solitarily for a short period before joining nursery groups that average about six sheep. Ewes and lambs frequently occupy steep terrain that provides a diversity of slopes and exposures for escape cover. Lambs are precocious, and within a day or so, climb almost as well as the ewes. Lambs are able to eat vegetation within 2 weeks of their birth and are weaned between 1 and 7 months of age. By their second spring, they are independent of their mothers. Female lambs stay with ewes indefinitely and may attain sexual maturity during the second year of life. Male lambs, depending upon physical condition, may also attain sexual maturity during the second year of life (Cowan and Geist 1971). Average lifespan is 9 to 11 years in both sexes, though some rams are known to have lived 12 to 14 years (Cowan and Geist 1971; Wehausen 1980).

Distinct Vertebrate Population Segment

Recent analyses of bighorn sheep genetics and morphometrics (size and shape of body parts) suggest reevaluation of the taxonomy of Sierra Nevada bighorn sheep (*Ovis canadensis californiana*) is necessary (Ramey 1991, 1993,1995; Wehausen and Ramey 1993, 1998). A recent analysis of the taxonomy of bighorn sheep using morphometrics (e.g., size and shape of skull components) failed to support the current taxonomy (Wehausen and Ramey 1993). However, this and other research (Ramey 1993) support taxonomic distinction of the Sierra Nevada bighorn sheep relative to other nearby regions.

The biological evidence supports recognition of Sierra Nevada bighorn sheep as a distinct vertebrate population segment for purposes of listing, as defined in our February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722). The definition of ''species'' in section 3(16) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) includes ''any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' For a population to be listed under the Act as a distinct vertebrate population segment, three elements are considered—(1) the discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing (i.e., is the population segment endangered or threatened?) (61 FR 4722).

The distinct population segment (DPS) of bighorn sheep in the Sierra Nevada is discrete in relation to the remainder of the species as a whole. This DPS is geographically isolated and separate from other California bighorn sheep. There is no mixing of this population with other bighorn sheep, and this is supported by evaluation of the population's genetic variability and morphometric analysis of skull and horn variation (Ramey 1993, 1995; Wehausen and Ramey 1993, 1994; Wehausen and Ramey 1999 (in review)). Researchers suggest that all other populations of *O. c. californiana* be reassigned to other subspecies, leaving *O. c. californiana* (i.e., the DPS that is the subject of this rule) only in the central and southern Sierra Nevada (Ramey 1993, 1995; Wehausen and Ramey 1993, 1994; Wehausen and Ramey 1999 (in review)).

Sierra Nevada bighorn sheep DPS is biologically and ecologically significant to the species to which it belongs in that it constitutes the only population of California bighorn sheep inhabiting the Sierra Nevada. This DPS extends from Sonora Pass to Walker Pass, and spans approximately 346 km (215 mi) of contiguous suitable habitat in the United States. The loss of Sierra Nevada bighorn sheep would result in the total extirpation of bighorn sheep from the Sierra Nevada in California.

Status and Distribution

Historically, bighorn sheep populations occurred along and east of the Sierra Nevada crest from Sonora Pass (Mono County) south to Walker Pass (Olancha Peak) (Kern County) (Jones 1950; Wehausen 1979). Sheep apparently occurred wherever appropriate rocky terrain and winter range existed. With some exception, most of the populations wintered on the east side of the Sierra Nevada and spent summers near the crest (Wehausen 1979).

Subpopulations of Sierra Nevada bighorn sheep probably began declining with the influx of gold miners to the Sierra Nevada in the mid-1880s, and those losses have continued through the 1900s (Wehausen 1988). By the 1970s, only 2 subpopulations of Sierra Nevada bighorn sheep, those near Mount Baxter and Mount Williamson in Inyo County, are known to have survived (Wehausen 1979). Specific causes for the declines are unknown. Market hunting may have been a contributing factor as evidenced by menus from historic mining towns such as Bodie, which included bighorn sheep (Advisory Group 1997). However, with the introduction of domestic sheep in the 1860s and 1870s, wild sheep are known to have died in large numbers in several areas from disease contracted from domestic livestock (Jones 1950; Buechner 1960). Large numbers of domestic sheep were grazed seasonally in the Owens Valley and Sierra Nevada prior to the turn of the century (Wehausen 1988), and disease is believed to be the factor most responsible for the disappearance of bighorn sheep subpopulations in the Sierra Nevada. Jones (1950) suggested that scabies was responsible for a die-off in the 1870s on the Great Western Divide. Experiments have confirmed that bacterial pneumonia (*Pasteurella* species), carried normally by domestic sheep, can be fatal to bighorn sheep (Foreyt and Jessup 1982).

By 1979, only 220 sheep were known to exist in the Mount Baxter subpopulation, and 30 in the Mount Williamson subpopulation (Wehausen 1979). Conservation efforts by several Federal and State agencies from 1970 to 1988 were aimed at expanding the distribution of Sierra Nevada bighorn sheep by translocating sheep back into historical habitat. Sheep were obtained from the Mount Baxter subpopulation and transplanted to three historic locations. Consequently, Sierra Nevada bighorn sheep now occur in five subpopulations in Mono and Inyo counties: Lee Vining Canyon, Wheeler Crest, Mount Baxter, Mount Williamson, and Mount Langley. The Sierra Nevada bighorn sheep population reached a high of about 310 in 1985–86. Subsequently, population surveys have documented a declining trend (J. Wehausen, pers. comm. 1999).

The following table best represents the total Sierra Nevada bighorn sheep population over various time periods. These totals represent the numbers of sheep emerging from winter in each of these years, and best document the status of the population by incorporating winter mortality, especially of lambs born the previous year. These totals are not absolute values; numbers have been rounded to the nearest five (J. Wehausen, pers. comm. 1999). The continuing decline of the Sierra Nevada bighorn sheep has been attributed to a combination of the direct and indirect effects of predation (Wehausen 1996).

TABLE 1. SIERRA NEVADA BIGHORN SHEEP POPULATION NUMBERS, BY YEAR (J. WEHAUSEN, PERS. COMM. 1999)

Year	Number of populations	Total sheep
1978	2	250
1985	4	310
1995	5	100
1996	5	110
1997	5	130
1998	5	100

Previous Federal Action

In our September 18, 1985, Notice of Review, we designated the Sierra Nevada bighorn sheep as a category 2 candidate and solicited status information (50 FR 37958). Category 2 candidates were those taxa for which we had information indicating that proposing to list as endangered or threatened was possibly appropriate, but for which sufficient data on biological vulnerability and threats were not currently available to support a proposed rule. Category 1 taxa were those taxa for which we had sufficient information on file to support issuance of proposed listing rules. In our January 6, 1989 (54 FR 554), and November 21, 1991 (56 FR 58804), Notices of Review, we retained the Sierra Nevada bighorn sheep in category 2. Beginning with our February 28, 1996, Notice of Review (61 FR 235), we discontinued the designation of multiple categories of candidates, and we now consider only taxa that meet the definition of former category 1 as candidates for listing. At this point, the Sierra Nevada bighorn sheep was identified as a species of concern.

The processing of this emergency rule conforms with our listing priority guidance published in the **Federal Register** on May 8, 1998 (63 FR 25502). This guidance clarifies the order in which we will process rulemakings giving highest priority (Tier 1) to processing emergency listings and second highest priority (Tier 2) to resolving the listing status of outstanding proposed listings, resolving the conservation status of candidate species, processing administrative findings on petitions to add species to the lists or reclassify species from threatened to endangered status, and delisting or reclassifying actions. The lowest priority actions, processing critical habitat designations, are in Tier 3. This emergency rule constitutes a Tier 1 action.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, we have determined that the Sierra Nevada bighorn sheep warrants classification as an endangered distinct population segment. We followed procedures found at section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act. We may determine a species to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors, and their application to the Sierra Nevada bighorn sheep distinct population segment (*Ovis canadensis californiana*), are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Habitat throughout the historic range of Sierra Nevada bighorn sheep remains essentially intact; the habitat is neither fragmented nor degraded. However, by 1900, about half of the Sierra Nevada bighorn sheep populations were lost, most likely because of introduction of diseases by domestic livestock, and illegal hunting (Advisory Group 1997). Beginning in 1979, animals from the Mount Baxter subpopulation were translocated to reestablish subpopulations in Lee Vining Canyon, Wheeler Crest, and Mount Langley in Mono and Inyo counties (Advisory Group 1997). Currently, Sierra Nevada bighorn sheep are limited to five subpopulations. Almost all of the historical and current habitat is administered by either the USFS, BLM, or NPS. Some small parcels of inholdings within the species' range are owned by the Los Angeles Department

of Water and Power. Also, there are some patented mining claims in bighorn sheep habitat, but the total acreage is small.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* During the period of the California gold rush (starting about 1849), hunting to supply food for mining towns may have played a role in the decline of the population (Wehausen 1988). Besides being sought as food, Sierra Nevada bighorn sheep were also killed by sheepmen who considered wild sheep as competitors for forage with domestic sheep. The decimation of several wildlife species in the late 1800s prompted California to pass legislation providing protection to deer, elk, pronghorn antelope, and bighorn sheep (Jones 1950; Wehausen 1979).

Commercial and recreational hunting of Sierra Nevada bighorn sheep is not permitted under State law. There is no evidence that other commercial, recreational, scientific, or educational activities are currently a threat. Poaching does not appear to be a problem at this time.

C. *Disease or predation.* Disease is believed to have been the major contributing factor responsible for the precipitous decline of Sierra Nevada bighorn sheep starting in the late 1800s (Foreyt and Jessup 1982).

Bighorn sheep are host to a number of internal and external parasites, including ticks, lice, mites, tapeworms, roundworms, and lungworms. Most of the time, parasites are present in relatively low numbers and have little effect on individual sheep and populations (Cowan and Geist 1971).

Cattle were first introduced into the Sierra Nevada in 1860s but were replaced with domestic sheep that could graze more extensively over the rugged terrain (Wehausen *et al.* 1987; Wehausen 1988). Large numbers of domestic sheep were grazed seasonally in the Sierra Nevada prior to the turn of the century, and the domestic sheep would use the same ranges as the wild sheep, occasionally coming into direct contact with them. Both domestic sheep and cattle can act as disease reservoirs. Scabies, most likely contracted from domestic sheep, caused a major decline of bighorn sheep in California in the 1870s to the 1890s and caused catastrophic die-offs in other parts of their range (Buechner 1960). A die-off of bighorn sheep in the 1870s on the Great Western Divide (Mineral King area of Sequoia National Park) was attributed to scabies, presumably contracted from domestic sheep (Jones 1950).

Die-offs from pneumonia contracted from domestic sheep is another important cause of losses. In 1988, a strain of pneumonia, apparently contracted from domestic sheep, wiped out a reintroduced herd of bighorn sheep in Modoc County. Native bighorn sheep cannot tolerate strains of respiratory bacteria, such as *Pasteurella* species, carried normally by domestic sheep and close contact with domestic animals results in transmission of disease and subsequent deaths of the exposed animals (Foreyt and Jessup 1982). Bighorn sheep can also develop pneumonia independent of contact with domestic sheep. Lungworms of the genus *Protostrongylus* are often an important contributor to the pneumonia disease process in some situations (J. Wehausen, pers. comm. 1999). Lungworms are carried by an intermediate host snail, which is ingested by a sheep as it is grazing. Lungworm often exists in a population, but usually doesn't cause a problem. However, if the sheep are stressed in some way, they may develop bacterial pneumonia, which is complicated by lungworm infestation. Bacterial pneumonia is usually a sign of weakness caused by some other agent such as a virus, parasite, poor nutrition, predation, human disturbance, or environmental or behavioral stress that lowers the animal's resistance to disease (Wehausen 1979; Foreyt and Jessup 1982). Bighorn sheep in the Sierra Nevada carry *Protostrongylus* species (lungworms), but the parasite loads have been low, and there has been no evidence of any clinical signs of disease or disease transmission (Wehausen 1979; Richard Perloff, Inyo National Forest, pers. comm. 1999).

Currently, domestic sheep grazing allotments are permitted by the U.S. Forest Service in areas adjacent to Sierra Nevada bighorn sheep subpopulations. Domestic sheep occasionally escape the allotments and wander into bighorn sheep areas, sometimes coming into direct contact with bighorn sheep (Advisory Group 1997). For example, in 1995, 22 domestic sheep that were permitted on USFS land wandered away from the main band and were later found in Yosemite National Park, after crossing through occupied bighorn sheep habitat (Advisory Group 1997; Bonny Pritchard, Inyo National Forest, pers. comm. 1999; R. Perloff, pers. comm. 1999). Other stray domestic sheep, in smaller numbers, have been known to wander up the road in Lee Vining Canyon into bighorn sheep habitat (B. Pritchard, pers. comm. 1999). Based on available information, and given the susceptibility of bighorn sheep to introduced pathogens, disease will continue to pose a significant and underlying threat to the survival of Sierra Nevada bighorn sheep until the potential for contact with domestic sheep is eliminated.

Predators such as coyote (*Canis latrans*), bobcat (*Lynx rufus*), mountain lion, gray fox (*Urocyon cinereoargenteus*), golden eagle (*Aquila chrysaetos*), and free-roaming domestic dogs prey upon bighorn sheep (Jones 1950; Cowan and Geist 1971). Predation generally has an insignificant effect except on small populations such as the Sierra Nevada bighorn sheep. Coyotes are the most abundant large predator sympatric (occurring in the same area) with bighorn sheep populations (Bleich 1999) and are known to have killed young Sierra Nevada bighorn sheep (Vernon Bleich, California Department of Fish and Game, pers. comm. 1999). In the late 1980s, mountain lion predation of Sierra Nevada bighorn sheep increased throughout their range (Wehausen 1996). This trend has continued into the 1990s, as evidenced by Table 1.

Predation by mountain lion probably was a natural occurrence and part of the natural balance of this ecosystem. From 1907 to 1963, the State provided a bounty on mountain lions; the State also hired professional lion hunters for many years. The bounty most likely kept the mountain lion population reduced such that bighorn sheep predation was rare and insignificant. Between 1963 and 1968, mountain lions were managed as a nongame and nonprotected mammal, and take was not regulated. From 1969 to 1972, lions were re-classified as game animals. A moratorium on mountain lion hunting began in 1972 and lion numbers likely increased. In 1986, the species was again classified as a game animal, but the California Department of Fish and Game (CDFG) hunting recommendations were challenged in court in 1987 and 1988 (Torres *et al.* 1996). In 1990, a State-wide ballot initiative (Proposition 117) passed into law prohibiting the killing of mountain lions except if humans or their pets or livestock are threatened. Another ballot measure, Proposition 197, which would have modified current law regarding mountain lion management failed to pass in 1996, largely because of the public's concern that the change may allow mountain lion hunting (Torres *et al.* 1996). With the removal of the ability to control the mountain lion population, lion predation has become a significant limiting factor for the Sierra Nevada bighorn sheep.

The increased presence of mountain lions appears to have changed Sierra Nevada bighorn sheep winter habitat use patterns. Wehausen (1996) looked at mountain lion predation in two bighorn sheep subpopulations, one in the Granite Mountains of the eastern Mojave Desert, and the other was the Mount Baxter subpopulation in the Sierra Nevada. He found that the lions reduced the subpopulation in the Granite Mountains to eight ewes between 1989 and 1991, and held it at that level for 3 years, after which lion predation decreased and the bighorn sheep subpopulation increased at 15 percent per year for 3 years. All the mortality in that subpopulation was attributed to mountain lion predation. The Mount Baxter bighorn sheep subpopulation abandoned its winter ranges, presumably due to mountain lion predation. Forty-nine sheep were killed by lions on their winter range between 1976 and 1988 out of an average subpopulation size of 127 sheep. These mortalities from mountain lion predation represented 80 percent of all mortality on the winter range, and 71 percent for all ranges used. There is also evidence that many of the bighorn sheep killed were prime-aged animals (J. Wehausen, pers. comm. 1999).

The bighorn sheep on Mount Baxter moved to higher elevations possibly to evade lions. By avoiding the lower terrain and higher quality forage present during the spring, sheep emerge from the winter months in poorer condition. Consequences from the change in habitat use resulted in a decline in the Mount Baxter subpopulation due to decreased lamb survival, because lambs were born later and died in higher elevations during the winter. This may have also been the case with the Lee Vining subpopulation decline, when the bighorn sheep ran out of fat reserves at a time when they should have been replenishing their reserves with highly nutritious forage from low elevation winter ranges. Because of the winter habitat shift by the bighorn sheep, the Mount Baxter subpopulation has declined significantly. With the large decline of bighorn sheep on Mount Baxter, the total population of Sierra Nevada bighorn sheep has now dropped below what existed when the restoration program began in 1979 (Wehausen 1996; Advisory Group 1997). In a 1996 survey on Mount Williamson, there was no evidence of groups of sheep, and this subpopulation was the last one found using its low-elevation winter range in 1986. Mountain lion predation may have led to the extirpation of this subpopulation, one of the last two native subpopulations of Sierra Nevada bighorn sheep (Wehausen 1996; J. Wehausen, pers. comm. 1999).

The Sierra Nevada bighorn sheep restoration program used the Mount Baxter subpopulation as the source of reintroduction stock from 1979 to 1988. The three reintroduced subpopulations at Lee Vining Canyon, Wheeler Mountain, and Mount Langley all suffered from mountain lion predation shortly after translocation of sheep (Wehausen 1996). The Lee Vining Canyon subpopulation lost a number of sheep to mountain lion predation, threatening the success of the reintroduction effort (Chow 1991, cited by Wehausen (1996)). The subpopulation was supplemented with additional sheep and the State removed one mountain lion each year for 3 years, which helped reverse the decline of this subpopulation (Bleich *et al.* 1991 and Chow 1991, cited by Wehausen (1996)). Also, because domestic sheep are preyed upon by mountain lions, livestock operators who have a Federal permit to graze their sheep on USFS land can get a depredation permit from the State, and have the U.S. Department of Agriculture, Wildlife Services, remove the mountain lion. The Lee Vining Canyon subpopulation occurs in the general area where domestic sheep are permitted, and has benefitted for the last 4 or 5 years from the removal of two to three mountain lions per year that were preying on domestic sheep (B. Pritchard, pers. comm. 1999).

D. *The inadequacy of existing regulatory mechanisms.* In response to a very rapid decline in population numbers, in 1876, the State legislature amended a 1872 law that provided seasonal protection for elk, deer and pronghorn to include all bighorn sheep. Two years later, this law was amended, establishing a 4-year moratorium on the taking of any pronghorn, elk, mountain sheep or female deer. In 1882, this moratorium was extended indefinitely for bighorn sheep (Wehausen *et al.* 1987; Wehausen *et al.* 1988). In 1971, California listed the California bighorn sheep as ''rare.'' The designation was changed to ''threatened'' in 1984 to standardize the terminology of the amended California Endangered Species Act (Advisory Group 1997), and upgraded the species to ''endangered'' in 1999 (San Francisco Chronicle 1999). Pursuant to the California Fish and Game Code and the California Endangered Species Act, it is unlawful to import or export, take, possess, purchase, or sell any species or part or product of any species listed as endangered or threatened. Permits may be authorized for certain scientific, educational, or management purposes. The California Endangered Species Act requires that State agencies consult with the CDFG to ensure that actions carried out are not likely to jeopardize the continued existence of listed species.

The California Fish and Game Code provides for management and maintenance of bighorn sheep. The policy of the State is to encourage the preservation, restoration, and management of California's bighorn sheep. The CDFG supports the concept of separating livestock from bighorn sheep, by creating buffers, to decrease the potential for disease transmission. Such separation would require the purchase and elimination of livestock allotments. However, the State does not have authority to regulate grazing practices on Federal lands. State listing has not prompted the BLM or USFS to effectively address disease transmission associated with Federal livestock grazing programs.

Since the Sierra Nevada bighorn sheep was listed by the State of California in 1971, the CDFG has undertaken numerous efforts for the conservation of the sheep, including but not limited to—(1) intensive field studies; (2) reestablishment of three additional subpopulations in historical habitat; (3) creation, in 1981, of the Sierra Nevada Bighorn Sheep Interagency Advisory Group, including representatives from Federal, State, and local resource management agencies which has produced the Sierra Nevada Bighorn Sheep Recovery and Conservation Plan (1984) and a Conservation Strategy for Sierra Nevada Bighorn Sheep (1997); and (4) culling four mountain lions that were taking Sierra Nevada bighorn sheep, which played a significant role in the efforts to reestablish one subpopulation (Chow 1991, cited by Wehausen (1996)).

Mountain lion hunting has not occurred in California since 1972 (Torres *et al.* 1996). As a result of passage of Proposition 117 in 1990 prohibiting the hunting or control of mountain lions, the CDFG does not have the authority to remove mountain lions to protect the Sierra Nevada bighorn sheep and secure their survival.

Federal agencies have adequate authority to manage the land and activities under their administration to benefit the welfare of the bighorn sheep. Steps are being taken to enhance habitat through prescribed burning to improve forage and maintain open habitat, and to retire domestic sheep allotments that run adjacent to bighorn sheep habitat. For example, 650 acres were burned in 1997 in Lee Vining Canyon to reduce mountain lion hiding cover, and there

are plans to do more burns in other areas on USFS land (R. Perloff, pers. comm. 1999). However, in some cases, because of conflicting management concerns, conservation efforts are not proceeding as quickly as necessary. Although efforts have been underway for many years, the USFS has been unable to eliminate the known threat of contact between domestic sheep and the Sierra Nevada bighorn sheep by either eliminating adjacent grazing allotments, or modifying allotments such that a sufficient buffer zone exists that would prevent contact between wild and domestic sheep.

In 1971, the State, in cooperation with the USFS, established a sanctuary for the Mount Baxter and Mount Williamson subpopulation of Sierra Nevada bighorn sheep and called it the California Bighorn Sheep Zoological Area (Zoological Area) (Wehausen 1979; Inyo National Forest Land Management Plan (LMP) 1988). About 16,564 hectares (41,000 acres) of USFS land was set aside for these two subpopulations. At the time, it was felt that the reason for the species' decline was related to human disturbance. The sanctuary was designed to regulate human use in some areas, and reduce domestic sheep/wild sheep interaction by constructing a fence below the winter range of the Mount Baxter subpopulation along the USFS boundary (Wehausen 1979). Adjacent summer range on NPS land was also given a restrictive designation to reduce human disturbance (Wehausen 1979). The Zoological Area continues to receive special management by the USFS; it encompasses land designated as wilderness and mountain sheep habitat (LMP 1988; R. Perloff, pers. comm. 1999).

E. *Other natural or manmade factors affecting its continued existence.* The Sierra Nevada bighorn sheep population is critically small with a total of only about 100 sheep known from five subpopulations. There is no known interaction between the separate subpopulations. The Sierra Nevada bighorn sheep currently is highly vulnerable to extinction from threats associated with small population size and random environmental events.

Although inbreeding depression has not been demonstrated in the Sierra Nevada bighorn sheep, the number of sheep occupying all areas is critically low. The minimum size at which an isolated group of this species can be expected to maintain itself without the deleterious effects of inbreeding is not known. Researchers have suggested that a minimum effective population size of 50 is necessary to avoid short-term inbreeding depression, and 500 to maintain genetic variability for long-term adaptation (Franklin 1980). Small populations are extremely susceptible to demographic and genetic problems (Caughley and Gunn 1996). Small populations suffer higher extinction probabilities from chance events such as skewed sex ratio of offspring, (e.g., fewer females being born than males). For example, the Mount Langley subpopulation has been declining. In 1996–97, out of a subpopulation of 4 ewes and 10 rams, 5 lambs were born, of which 4 were female. Although a positive event for this subpopulation, it could have been devastating if the female:male ratio of offspring had been reversed (J. Wehausen, pers. comm. 1999).

Small, isolated groups are also subject to extirpation by naturally occurring random environmental events, e.g., prolonged or particularly heavy winters and avalanches. In 1995, for example, a dozen sheep died in a single avalanche at Wheeler Ridge (J. Wehauser, pers. comm. 1999). Such threats are highly significant because currently the subpopulations are small and it is also common in bighorn sheep for all members of one sex to occur in a single group. During the very heavy winters in the late 1970s and early 1980s, there was no notable mortality in the subpopulations because they were using low elevation winter ranges (J. Wehausen, pers. comm. 1999).

Competition for critical winter range resources can occur between bighorn sheep and elk and/or deer (Cowan and Geist 1971). However, competition between these species does not appear significant since deer and bighorn sheep readily mix on winter range, and the habitat overlap between elk and bighorn sheep is slight (Wehausen 1979).

In addition to disease, mountain lion predation, and random natural events, other factors may contribute to bighorn sheep mortality. For example, two subpopulations (Wheeler Ridge and Lee Vining) have ranges adjacent to paved roadways exposing individuals from those subpopulations to potential hazards. Bighorn sheep have been killed by vehicles in Lee Vining Canyon on several occasions (V. Bleich, pers. comm. 1999).

Reason for Emergency Determination

Under section 4(b)(7) of the Act and regulations at 50 CFR 424.20, we may emergency list a species if the threats to the species constitute an emergency posing a significant risk to its well-being. Such an emergency listing expires 240 days following publication in the **Federal Register** unless, during this 240-day period, we list the species following the normal listing procedures. We discuss the reasons why emergency listing the Sierra Nevada bighorn sheep as endangered is necessary below. In accordance with the Act, if at any time after we publish this emergency rule, we determine that substantial evidence does not exist to warrant such a rule, we will withdraw it.

Historically, the Sierra Nevada bighorn sheep ranged throughout central and southern Sierra Nevada. The historical habitat of the Sierra Nevada bighorn sheep remains intact. However, the entire range of the species has been reduced to five subpopulations—the Mount Williamson and Mount Baxter subpopulations, which are composed of native sheep, and the Lee Vining Canyon, Wheeler Ridge, and Mount Langley subpopulations, which are descended from sheep taken from the Mount Baxter subpopulation and translocated to historical habitat. These subpopulations have decreased in numbers significantly in the last several years (see Table 1). As discussed under factors C, D, and E in the Summary of Factors Affecting the Species section above, the immediacy of threats to the Sierra Nevada bighorn sheep is so great to a significant proportion of the total population that the routine regular listing process is not sufficient to prevent losses that may result in extinction or loss of significant recovery potential. An emergency posing a significant risk to the well-being and continued survival of the Sierra Nevada bighorn sheep exists as the result of the continual exposure to predation (primarily mountain lion), and the effects of avoidance by bighorn sheep of areas in which they are particularly vulnerable to predation by mountain lions. The Sierra Nevada bighorn sheep is also threatened by the potential increase of contact with domestic sheep in the spring and summer and the transmission of disease. The factors creating an extreme situation are discussed in detail below.

Because Sierra Nevada bighorn sheep exist only as a series of very small subpopulations vulnerable to extinction, the survival of Sierra Nevada bighorn sheep now depends on the most rapid possible increase in as many subpopulations as possible. These small subpopulations are vulnerable to extinction from chance demographic events and the continual loss of genetic variation if they remain small.

Vulnerability to Demographic Problems

Five subpopulations remain that include a total of nine female demes (i.e., local populations) (Mount Langley—eight ewes, Mount Williamson—three ewes, Black Mountain—five ewes, Sand Mountain—five ewes, Sawmill Canyon—two ewes, Wheeler Ridge—17 ewes, Mount Gibbs—two ewes, Tioga Crest—one ewe, Mount Warren—five ewes) (J. Wehausen, pers. comm. 1999). These demes are defined by separate geographic home range patterns of the females. Of these, the Mount Williamson, Black Mountain, and Tioga Crest demes appear not to use low elevation winter ranges at all, and they will probably go extinct as a result (J. Wehausen, pers. comm. 1999). The Black Mountain deme was previously part of the Sand Mountain deme (part of the Mount Baxter subpopulation) and became a separate deme after winter range abandonment occurred in the late 1980s. The five remaining ewes in this deme appear not to know of the Sand Mountain winter range, which lies considerably north of their home range. They were almost certainly all born after winter range abandonment on Sand Mountain. This deme has shown a steady decline in size (J. Wehausen, pers comm. 1999).

There are six female demes that may persist, but all are still very vulnerable to extinction due to small size. Of the two ewes and lamb that spent February, 1998, at the mouth of Sawmill Canyon (another Mount Baxter subpopulation deme), only a ewe and a lamb remained when last seen there in 1998. Shortly after they were last seen, evidence of a mountain lion was found on the rocks where they had been weathering a month of severe winter storms. When the normal summer range of this deme of females was investigated twice last summer, it was difficult to find evidence of any sheep remaining. This deme may contain only a single remaining ewe, or none (J. Wehausen, pers. comm. 1999).

The Sand Mountain deme has had only four ewes in it for almost this entire decade. During the summer of 1998, Dr. John Wehausen finally documented a yearling female with them, thus the total of five ewes listed above. However, the four adult ewes must now be approaching the ends of their lives, making this deme also very vulnerable to extinction, even if they have been showing some increased winter range use. Without successful births and recruitment of female lambs into this deme quickly, this deme will experience a decline.

Currently, there is a large lion occupying the winter range areas used by members of the Mount Langley deme. These ewes have been using that winter range enough over the past three winters to be showing a subpopulation increase (recruitment of five lambs for four ewes in the past 2 years). This lion could easily reverse that trend by killing multiple members of this deme and discouraging them from using this winter range. These ewes can be expected to begin appearing on this winter range any day (J. Wehausen pers. comm. 1999).

The Mount Warren deme that uses Lee Vining Canyon as a winter range continues to decline. Besides the loss of numerous ewes last winter or spring to unknown causes, one of two telemetered (radio-collared) ewes was lost to a lion on the winter range in April, 1998. The collar of the other ewe was recently dug out of a snow bank at 3050 m (10,000 ft) in Deer Creek, but biologists will be unable to investigate her cause of death until the summer of 1999 when the snow melts, allowing her carcass to be found. She was last documented alive in late October 1998, but was not with a group of 13 sheep seen in mid-December, thus she may have died in November. This leaves only five ewes in this deme. If the lion that killed at least one ewe in April 1998 returns this spring, it might seriously compromise the future of this deme (J. Wehausen, pers. comm. 1999).

With the likely extinction of some of the existing demes, the remaining demes become all the more important to the persistence of this distinct population segment. We do not know which demes may survive and which may die out. All population dynamics over the past 15 years have been unanticipated (J. Wehausen, pers. comm. 1999). In short, it is not possible to predict population trajectories. Individual mountain lions can do enormous damage to any of these small demes, as can catastrophic events such as snow avalanches. The current larger size of the Wheeler Ridge deme does not preclude it from experiencing a sudden decline, as the Mount Warren deme experienced last winter (J. Wehausen, pers. comm. 1999).

Every deme is critical to the survival of the DPS at this point. We do not know which ewes in each deme may prove to be the ones critical to persistence of those demes. Thus, every remaining female in every deme is critically important to the persistence of their demes.

Lastly, the potential for contact with domestic sheep and the transmission of disease could, by itself, eliminate an entire deme. Domestic sheep continue to stray into Sierra Nevada bighorn sheep habitat. Recently, domestic sheep have come in close proximity to the resident bighorn sheep on numerous occasions, but, by good fortune, domestic sheep have not come into contact with bighorn sheep during these events.

Vulnerability to demographic problems must be viewed as a combination of immediate threats of predation, changed habitat use due to the presence of mountain lions, the resultant decline in ewe nutrition and lamb survivorship, exposure to environmental catastrophes, and the transmission of disease from domestic sheep.

Vulnerability to Genetic Problems

Also unknown is the current distribution of genetic variation among all of these subpopulations. It will be at least a year before fecal DNA research will shed some light on this question (J. Wehausen, pers comm. 1999). It is likely that each subpopulation has lost some genetic variability thereby reducing its ability for long-term adaptation. The ultimate goal of conserving this DPS must be to preserve as much of its genetic variation as possible. It is likely that all or some of the existing demes now contain some variation not represented in others. Once some measure of this distribution is known through DNA analysis, a possible goal will be to attempt to distribute that variation among as many subpopulations as possible. Until some measure of the distribution of genetic variation exists, every deme should be considered a significant portion of the overall population, just as they should from a demographic perspective. Maintenance of genetic variability requires preservation of rams in addition to ewes.

In summary, it is now necessary to consider that every individual is currently a significant portion of the overall population of Sierra Nevada bighorn sheep because of the small number of sheep remaining and extreme vulnerability of every deme to extinction. Losses from predation and the potential for disease transmission through contact with domestic sheep are threats posing a significant risk to the well-being of the DPS. For these

reasons, we find that the Sierra Nevada bighorn sheep is in imminent danger of extinction throughout all or a significant portion of its range and warrants immediate protection under the Act.

Critical Habitat

Critical habitat is defined in section 3 of the Act as—(i) the specific area within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)) state that critical habitat is not determinable if information sufficient to perform required analysis of impacts of the designation is lacking or if the biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat. Section 4(b)(2) of the Act requires us to consider economic and other relevant impacts of designating a particular area as critical habitat on the basis of the best scientific data available. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the conservation benefits, unless to do such would result in the extinction of the species.

We find that designation of critical habitat for the Sierra Nevada bighorn sheep is not determinable at this time. We have determined that information sufficient to perform required analysis of impacts of the designation is lacking. We specifically solicit this information in the proposed rule (see ''Public Comments Solicited'' section) published in this same issue of the **Federal Register**. When a ''not determinable'' finding is made, we must, within 2 years of the publication date of the original proposed rule, designate critical habitat, unless the designation is found to be not prudent. We will protect Sierra Nevada bighorn sheep habitat through section 7 consultations to determine whether Federal actions are likely to jeopardize the continued existence of the species, through the recovery process, through enforcement of take prohibitions under section 9 of the Act, and through the section 10 process for activities on non-Federal lands with no Federal nexus.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. We discuss the protection required of Federal agencies and the prohibitions against taking and harm, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) of the Act requires Federal agencies to confer informally with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal agency action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with us. Federal agency actions that may require conference and/or consultation include those within the jurisdiction of the USFS, BLM, and NPS.

We believe that protection of the Sierra Nevada bighorn sheep requires reduction of the threat of mountain lion predation, particularly during the months of April and May 1999 when bighorn sheep attempt to use low elevation winter ranges to obtain necessary nutrition after lambing, and ewes and lambs are most vulnerable to lion predation. Emergency listing will allow the Service to remove mountain lions that threaten Sierra Nevada bighorn sheep. Removal of mountain lions may not necessarily involve lethal techniques.

We believe that protection of the Sierra Nevada bighorn sheep also requires reduction of the threat of disease transmission from domestic sheep by preventing domestic sheep from coming into contact with bighorn sheep. We will work with the USFS to reduce the threat of disease transmission by domestic sheep. Reduction of this threat may involve elimination of grazing allotments adjacent to bighorn sheep habitat, or modifying allotments to create a sufficient buffer zone that would prevent contact between domestic sheep and bighorn sheep.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions, as codified at 50 CFR 17.21, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt any such conduct), import or export, transport in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to our agents and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. For endangered species, such permits are available for scientific purposes, to enhance the propagation or survival of the species, or for incidental take in connection with otherwise lawful activities.

It is our policy, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practical at the time a species is listed those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within a species' range. Activities that we believe could potentially result in take include, but are not limited to:

(1) Unauthorized trapping, capturing, handling or collecting of Sierra Nevada bighorn sheep. Research activities involving trapping or capturing Sierra Nevada bighorn sheep will require a permit under section 10(a)(1)(A) of the Act.

(2) Unauthorized livestock grazing that results in transmission of disease or habitat destruction by the accidental or intentional escape of livestock.

Activities that we believe are unlikely to result in a violation of section 9 are:

(1) Possession, delivery, or movement, including interstate transport and import into or export from the United States, involving no commercial activity, of dead specimens of Sierra Nevada bighorn sheep that were collected prior to the date of publication of this emergency listing rule in the **Federal Register**;

(2) Unintentional vehicle collisions resulting in death or injury to Sierra Nevada bighorn sheep, when complying with applicable laws and regulations; and

(3) Normal, authorized recreational activities in designated campsites or recreational use areas and on authorized trails.

Questions regarding any specific activities should be directed to our Ventura Fish and Wildlife Office (see **ADDRESSES** section). Requests for copies of the regulations regarding listed wildlife and about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 Northeast 11th Avenue, Portland, Oregon 97232–4181 (telephone 503/231–2063; facsimile 503/231–6243).

National Environmental Policy Act

We have determined that Environmental Assessments and Environmental Impact Statements, as defined in the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any new collections of information other than those already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018–0094. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. For additional information concerning permit and associated requirements for endangered species, see 50 CFR 17.21 and 17.22.

References Cited

A complete list of references cited in this rule is available upon request from the Ventura Fish and Wildlife Office of the U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Author

The primary author of this emergency rule is Carl Benz of the Ventura Fish and Wildlife Office of the U.S. Fish and Wildlife Service (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. In § 17.11(h) add the following to the List of Endangered and Threatened Wildlife in alphabetical order under MAMMALS:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

SPECIES		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*	*	
Sheep, Sierra Nevada bighorn.	*Obis canadensis californiana.*	U.S.A. (western conterminous states), Canada (southwest), Mexico (north).	U.S.A. (CA-Sierra Nevada).	E	660	NA	NA
*	*	*	*	*	*	*	

Dated: April 14, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99–9935 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 64, No. 75
Tuesday, April 20, 1999

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–6]

Proposed Revision of Class D Airspace; Lake Hood, Elmendorf AFB, and Merrill Field, AK; Proposed Revision of Class E Airspace; Elmendorf AFB and Merrill Field, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action would revise the Class D airspace at Lake Hood, Elmendorf Air Force Base (AFB), and Merrill Field, AK, as well as the Class E airspace (designated as surface areas) at Elmendorf AFB and Merrill Field, AK. The revision of the Anchorage, Alaska, Terminal Airspace Area segment boundaries affecting Lake Hood, Elmendorf AFB, and Merrill Field, AK, has made this action necessary. Adoption of this proposal would result in the alignment of Class D airspace to coincide with the revised Anchorage Terminal Airspace segment boundaries, eliminating chart clutter and confusion between segment, Class D boundaries, and Class E boundaries. The adoption of this proposal would also align the Elmendorf AFB and Merrill Field, AK, Class E airspace areas (designated as surface areas) with the Class D boundaries.

DATES: Comments must be received on or before June 4, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 99–AAL–6, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.van.Haastert@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AAL–6.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the **Federal Register**'s web page for access to recently published rulemaking documents at http://www.access.gpo.gov/su__docs/aces/aces140.html.

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Background

On October 1, 1997, the FAA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (62 FR 190) to revise the Anchorage, Alaska, Terminal Area (Docket No. 29029, Notice No. 97–14). In this rulemaking, the boundaries for the Merrill, Lake Hood, and Elmendorf AFB segments were revised. On March 29, 1999, the FAA published the final rule in the **Federal Register** (62 FR 14971) for the Anchorage, Alaska, Terminal Area, revising boundaries and descriptions for each segment and listed the effective date as June 17, 1999. The Anchorage, Alaska, Terminal Area revisions and a graphic can be viewed at Alaskan Region's Internet homepage site located at Uniform Resource Locator (URL) http://www.alaska.faa.gov/at.

The Proposal

The FAA proposes to amend 14 CFR part 71 by revising the Class D airspace at Lake Hood, Elmendorf AFB, and Merrill Field, AK, due to the revision of the Anchorage, Alaska, Terminal Airspace Area. The segment boundaries descriptions for Elmendorf AFB, Lake Hood, and Merrill, AK, have been revised in the Anchorage, Alaska,

Terminal Airspace update. Currently, the segment boundaries, the Class D airspace boundaries, and the Class E airspace (designated as surface area) boundaries do not coincide, which clutters the aeronautical charts and could cause confusion delineating between the segment, Class D, and Class E airspace boundaries. The intended effect of this proposal is to align the Class D airspace boundaries at Lake Hood, Elmendorf AFB, and Merrill Field, AK, to match the revised Anchorage, Alaska, Terminal Area segment boundaries and align the Class E airspace areas at Elmendorf AFB and Merrill Field, AK, to match the Class D boundaries.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class D airspace areas are published in paragraph 5000 and the Class E airspace designated as surface areas are published in paragraph 6002 in FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (1 (63 FR 50139; September 21, 1998). The Class D and Class E airspace designations listed in this document would be revised and published subsequently in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AAL AK D Anchorage, Elmendorf AFB Airport, AK [Revised]

Anchorage, Elmendorf AFB Airport, AK
(Lat. 61° 15′ 11″ N., long. 149° 47′ 38″ W.)
Point Noname
(Lat. 61° 15′ 38″ N., long. 149° 55′ 38″ W.)
Ship Creek
(Lat. 61° 13′ 32″ N., long. 149° 58′ 44″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a line beginning at Point Noname; thence via the north bank of the Knik Arm to the intersection of the 4.7-mile radius of Elmendorf AFB Airport; thence clockwise along the 4.7-mile arc of Elmendorf AFB to long. 149° 46′ 44″ W., thence south along long. 149° 46′ 44″ W. to lat. 61° 19′ 10″ N., thence to lat. 61° 17′ 58″ N. long. 149° 44′ 08″ W., thence to lat. 61° 17′ 30″ N. long. 149° 43′ 08″ W., thence south along long. 149° 43′ 08″ W. to the Glenn Highway, thence south and west along the Glenn Highway to Muldoon Road, thence direct to the mouth of Ship Creek, thence direct to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

AAL AK D Anchorage, Lake Hood, AK [Revised]

Anchorage, Lake Hood, AK
(Lat. 61° 10′ 48″ N., long. 149° 58′ 19″ W.)
Anchorage Air Traffic Control Tower
(Lat. 61° 10′ 36″ N., long. 149° 58′ 59″ W.)
Point MacKenzie
(Lat. 61° 14′ 14″ N., long. 149° 59′ 12″ W.)
West Anchorage High School
(Lat. 61° 12′ 13″ N., long. 149° 55′ 22″ W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a line beginning at Point Mackenzie, thence direct to West Anchorage High School, thence direct to the intersection of Tudor Road and the New Seward Highway, thence south along the New Seward Highway to the 090° bearing from the Anchorage Air Traffic Control Tower, thence west direct to the Anchorage Air Traffic Control Tower, thence north along the 350° bearing from the Anchorage Air Traffic Control Tower to the north bank of Knik Arm, thence via the north bank of Knik Arm to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace.

* * * * *

AAL AK D Anchorage, Merrill Field, AK [Revised]

Anchorage, Merrill Field, AK
(Lat. 61° 12′ 52″ N., long. 149° 50′ 46″ W.)
Point Noname
(Lat. 61° 15′ 38″ N., long. 149° 55′ 38″ W.)
Point MacKenzie
(Lat. 61° 14′ 14″ N., long. 149° 59′ 12″ W.)
Ship Creek
(Lat. 61° 13′ 32″ N., long. 149° 5′ 44″ W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a line beginning at Point Noname, thence direct to the mouth of Ship Creek, thence direct to the intersection of the Glenn Highway and Muldoon Road, thence south along Muldoon Road to Tudor Road, thence west along Tudor Road to the New Seward Highway, thence direct to West Anchorage High School, thence direct to Point MacKenzie, thence via the north bank of Knik Arm to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace designated as surface areas

* * * * *

AAL AK E2 Anchorage, Elmendorf AFB Airport, AK [Revised]

Anchorage, Elmendorf AFB Airport, AK
(Lat. 61° 15′ 11″ N., long. 149° 47′ 38″ W.)
Point Noname
(Lat. 61° 15′ 38″ N., long. 149° 55′ 38″ W.)
Ship Creek
(Lat. 61° 13′ 32″ N., long. 149° 58′ 44″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a line beginning at Point Noname; thence via the north bank of the Knik Arm to the intersection of the 4.7-mile radius of Elmendorf AFB Airport; thence clockwise along the 4.7-mile arc of Elmendorf AFB to long. 149° 46′ 44″ W., thence south along long. 149° 46′ 44″ W. to lat. 61° 19′ 10″ N., thence to lat. 61° 17′ 58″ N. long. 149° 44′ 08″ W., thence to lat. 61° 17′ 30″ N. long. 149° 43′ 08″ W., thence south along long. 149° 43′ 08″ W. to the Glenn Highway, thence south and west along the Glenn Highway to Muldoon Road, thence direct to the mouth of Ship Creek, thence direct to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class E airspace area is effective during the specific dates and

times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

AAL AK E2 Anchorage, Merrill Field, AK [Revised]

Anchorage, Merrill Field, AK
(Lat. 61° 12′ 52″ N., long. 149° 50′ 46″ W.)
Point Noname
(Lat. 61° 15′ 38″ N., long. 149° 55′ 38″ W.)
Point MacKenzie
(Lat. 61° 14′ 14″ N., long. 149° 59′ 12″ W.)
Ship Creek
(Lat. 61° 13′ 32″ N., long. 149° 58′ 44″ W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a line beginning at Point Noname, thence direct to the mouth of Ship Creek, thence direct to the intersection of the Glenn Highway and Muldoon Road, thence south along Muldoon Road to Tudor Road, thence west along Tudor Road to the New Seward Highway, thence direct to West Anchorage High School, thence direct to Point MacKenzie, thence via the north bank of Knik Arm to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9781 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–2]

Proposed Revision of Class E Airspace; Yakutat, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class E airspace at Yakutat, AK. The establishment of three Standard Instrument Approach Procedures (SIAP) to runway (RWY) 02, RWY 11, and RWY 29 at Yakutat, AK, have made this action necessary. Adoption of this proposal would result in the provision of adequate controlled airspace for Instrument Flight Rules (IFR) operations at Yakutat, AK.

DATES: Comments must be received on or before June 4, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 99–AAL–2, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.van.Haastert@faa.dot.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AAL–2.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the **Federal Register**'s web page for access to recently published rulemaking documents at http://www.access.gpo.gov/su__docs/aces/aces140.html.

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA proposes to amend 14 CFR part 71 by revising the Class E airspace at Yakutat, AK, through the establishment of three very high frequency (VHF) omni-directional radio range (VOR) instrument approaches to RWY 02, RWY 11, and RWY 29. The area would be depicted on aeronautical charts for pilot reference. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations at Yakutat, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as airport surface areas are published in paragraph 6002 and the Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace designations listed in this document would be revised and published subsequently in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and

routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AAL AK E2 Yakutat, AK [Revised]

That airspace extending upward from the surface within the area bounded by 59° 41′ 01″ N. 139° 46′ 55″ W. to 59° 31′ 00″ N. 139° 29′ 21″ W. to 59° 24′ 35″ N. 139° 27′ 13″ W. to 59° 20′ 14″ N. 139° 36′ 38″ W. to 59° 34′ 20″ N. 140° 01′ 32″ W. to the point of beginning.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Yakutat, AK [Revised]

Yakutat VORTAC

(Lat. 59° 30′ 39″ N., long. 139° 38′ 53″ W.)

That airspace extending upward from 700 feet above the surface within the area bounded by 59° 47′ 42″ N 139° 58′ 48″ W to 59° 37′ 33″ N 139° 40′ 53″ W then along the 7-mile radius of the Yakutat VORTAC clockwise to 59° 28′ 54″ N 139° 25′ 35″ W to 59° 20′ 16″ N 139° 10′ 20″ W to 59° 02′ 49″ N 139° 47′ 45″ W to 59° 30′ 15″ N 140° 36′ 43″ W to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by 59° 53′ 20″ N 139° 58′ 13″ W to Yakutat VORTAC 118° radial 23 DME then along the Yakutat VORTAC 118° radial to 41 DME then clockwise along the 41 mile radius of the Yakutat VORTAC to the Yakutat VORTAC 298° radial then east along the 298° radial to the Yakutat VORTAC 298° radial 25 DME to the point of beginning, and within 5.6 miles each side of the Yakutat VORTAC 118° radial to 65 miles east of the VORTAC excluding Control 1487L and the Gulf of Alaska Low Class E airspace areas.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9782 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–3]

Proposed Revision of Class E Airspace; Atqasuk, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class E airspace at Atqasuk, AK. The establishment of two Standard Instrument Approach Procedures (SIAP) to runway (RWY) 06 and RWY 24 at Atqasuk, AK, have made this action necessary. Adoption of this proposal would result in the provision of adequate controlled airspace for Instrument Flight Rules (IFR) operations at Atqasuk, AK.

DATES: Comments must be received on or before June 4, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 99–AAL–3, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.van.Haastert@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AAL–3.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or

the **Federal Register**'s electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the **Federal Register**'s web page for access to recently published rulemaking documents at http://www.access.gpo.gov/su__docs/aces/aces140.html.

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA proposes to amend 14 CFR part 71 by revising the Class E airspace at Atqasuk, AK, through the establishment of two very high frequency (VHF) omni-directional radio range (VOR) instrument approaches to RWY 06 and RWY 24. The area would be depicted on aeronautical charts for pilot reference. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations at Atqasuk, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as airport surface areas are published in paragraph 6002 and the Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace designations listed in this document would be revised and published subsequently in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Atqasuk, AK [Revised]

Atqasuk Airport
(Lat. 70° 28′ 02″ N., long. 157° 26′ 09″ W.)

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Atqasuk Airport.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9778 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–9]

Proposed Revision of Class E Airspace; Adak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action would revise the Class E airspace at Adak, AK. The upcoming decommission of the military Nondirectional Beacon (NDB) and commission of the new NDB/Distance Measuring Equipment (DME), along with the establishment of Global Positioning System (GPS) and NDB/DME instrument approaches at Adak, AK, have made this action necessary. Additionally, the Class E airspace descriptions at Adak, AK, have been consolidated into one description. Adoption of this proposal would result in an update of the airspace descriptions and provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Adak, AK.

DATES: Comments must be received on or before June 4, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 98–AAL–9, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.van.Haastert@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

History

The Naval Air Facility (NAF) Adak ceased active military airfield operations on March 31, 1997. The military tower closed and the airfield converted to an uncontrolled airport. Consequently, the airspace around Adak, AK, has been modified to reflect remaining navigational aids and new requirements. The Adak military NDB and military Tactical Air Navigational Aid (TACAN) will be decommissioned. A new FAA NDB/DME (Mount Moffett NDB/DME) will be commissioned. Two new instrument approach procedures, NDB/DME and GPS, have been developed for runway (RWY) 23. These

actions have been coordinated with the U.S. Navy and the Adak Reuse Corporation. The Adak Reuse Corporation has been established under federal and State of Alaska oversight to plan and implement the reuse of former NAF Adak. The Adak Reuse Corporation has been designated the Local Reuse Authority under Base Realignment and Closure Act (BRAC) law to be the responsible party to plan airport operations until a new city is approved on the island.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–AAL–9.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Internet users may reach the **Federal Register**'s web page for access to recently published rulemaking documents at http://www.access.gpo.gov/su__docs/aces/aces 140.html.

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulleting board service (telephone: 202–512–1661).

The Proposal

The FAA proposes to amend 14 CFR part 71 by revising the Class E airspace at Adak, AK, due to the establishment of GPS and NDB/DME instrument approach procedures to RWY 23 at Adak, AK. Additionally, the Class E airspace descriptions will be consolidated into one description. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations and revise the airspace descriptions at Adak, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as a surface area for an airport are published in paragraph 6002 in FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace areas designated as an extension to a Class D or Class E surface area are published in FAA Order 7400.9F, paragraph 6004, and paragraph 6005 lists the Class E airspace areas designated as an 700/1200 foot transition area. The Class E airspace listed in this document as a surface area or extension to a surface area will be revoked and subsequently removed in the Order. The Class E airspace designations listed in this document as 700/1200 foot transition areas will be revised and published in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

Paragraph 6002 Class E airspace areas designated as surface areas for an airport

* * * * *

AAL AK E2 Adak, AK [Revoked]

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area.

* * * * *

AAL AK E4 Adak, AK [Revoked]

* * * * *

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Adak, AK [Revised]

Adak Airport, AK
(Lat. 51° 52′ 41″ N., long. 176° 38′ 45″ W.)
Mount Moffett NDB
(Lat. 51° 52′ 19″ N., long. 176° 40′ 34″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Adak Airport and within 5.2 miles northwest and 4.2 miles southeast of the 061°

bearing of the Mount Moffett NDB extending from the 7-mile radius to 11.5 miles northeast of the Adak Airport; and that airspace extending upward from 1,200 feet above the surface within 11-mile radius of the Adak Airport, and within 16 miles of the Adak Airport extending clockwise from the 033° bearing to the 081° bearing of the Mount Moffett NDB.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9777 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–5]

Proposed Establishment of Class E Airspace; Palmer, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace at Palmer, AK. The establishment of Global Positioning System (GPS) instrument approach at the Palmer Municipal Airport has made this action necessary. The Palmer Municipal Airport status will change from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR). Adoption of this proposal would result of adequate controlled airspace for Instrument Flight Rules (IFR) operations at Palmer, AK.

DATES: Comments must be received on or before June 4, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 99–AAL–5, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Robert Durand, Operations Branch, AAL–531, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: Bob.Durand@faa.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AAL–5.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

Internet users may reach the Federal Register's web page for access to recently published rulemaking documents at http://www.access.gpo.gov/su__docs/aces/aces 140.html.

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the **Federal Register**'s electronic bulleting board service (telephone: 202–512–1661).

The Proposal

The FAA proposes to amend 14 CFR part 71 by establishing Class E airspace at Palmer, AK, due the to establishment of a GPS instrument approach procedure at Palmer, AK. The Palmer Airport status will be upgraded from VFR to IFR. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations at Palmer, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class E airspace listed in this document would be published in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points*, dated September 10, 1998, and effective September 16, 1998, is to be amended as follows:

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Palmer, AK [New]

Palmer Municipal Airport, AK
(Lat. 61°35′41″ N., long. 149°05′20″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Palmer Municipal Airport.

* * * * *

Issued in Anchorage, AK, on April 9, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–9776 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–19]

Amendment of Class E Airspace; Decorah, IA

AGENCY: Federal Aviation Administration (FAA), (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Class E airspace area at Decorah, IA. A Global Positioning System (GPS), COPTER GPS 339° point in space, Standard Instrument Approach Procedure (SIAP) has been developed to serve Winneshiek County Memorial Hospital Heliport, Decorah, IA. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate aircraft executing the SIAP.

In addition, the Class E airspace for Decorah, IA, has been enlarged to conform to the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D.

The intended effect of this rule is to provide additional controlled airspace for aircraft operating under Instrument Flight Rules (IFR) and comply with the criteria of FAA Order 7400.2D.

DATES: Comments must be received on or before May 17, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ACE–520, Federal Aviation Administration, Docket No. 99–ACE–19, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An information docket may also be examined during normal business hours in the office of the Manager, Airspace Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone number: (816) 426–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–ACE–19.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A, which describes the procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to revises the Class E airspace at Decorah, IA. A COPTER GPS 339° SIAP has been developed to serve the Winneshiek County Memorial Hospital Heliport, Decorah, IA. Controlled airspace extending upward from 700 feet AGL is needed to contain aircraft executing this SIAP. In addition, a review of the Class E airspace area for Decorah, IA, indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile.

The intended effect of this action is to provide segregation of aircraft operating under Instrument Flight Rules (IFR) from aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Revised]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Decorah, IA [Revised

Decorah Municipal Airport, IA
(Lat. 43°16′32″ N., long. 91°44′22″ W.)
Waukon VORTAC
(Lat. 43°16′48″ N., long. 91°32′15″ W.)
Decorah NDB
(Lat. 43°16′32″ N., long. 91°44′11″ W.)
Winneshiek County Memorial Hospital, IA
Point in Space Coordinates
(Lat. 43°16′57″ N., long. 91°45′56″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Decorah Municipal Airport and within 2.0 miles each side of the 267° radial of the Waukon VORTAC extending from the 6.4-mile radius to the VORTAC and within 2.6 miles each side of the 122° bearing from the Decorah NDB extending from the 6.4-mile radius to 7.0 miles southeast of the airport, and within a 6.0-mile radius of the point in space serving Winneshiek County Memorial Hospital.

* * * * *

Issued in Kansas City, MO, on March 18, 1999.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 99–9795 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC41

Training of Lessee and Contractor Employees Engaged in Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend our regulations governing training of lessee employees engaged in oil and gas and sulphur operations in the OCS. We are proposing to establish a performance-based training system that would:

- Lead to safer and cleaner OCS operations;
- Allow the development of new and innovative training techniques;
- Impose fewer prescriptive requirements on the oil and gas industry; and
- Provide increased training flexibility.

DATES: We will consider all comments received by July 19, 1999. We will begin reviewing comments then and may not fully consider comments we receive after July 19, 1999.

ADDRESSES: If you wish to comment, you may mail or hand-carry comments (three copies) to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Wilbon Rhome, Industrial Specialist, or Joseph Levine, Chief, Operations Analysis Branch, at (703) 787–1600 or FAX (703) 787–1093.

SUPPLEMENTARY INFORMATION: On February 5, 1997, we published a final rule in the **Federal Register** (62 FR 5320) concerning the training of lessee and contractor employees engaged in drilling, well completion, well workover, well servicing, or production safety system operations in the OCS. The final rule streamlined the regulations by 80 percent, provided the flexibility to use alternative training methods, and simplified the training options at 30 CFR Part 250, Subpart O—Training.

The February 5, 1997, final rule did not sufficiently address developing a performance-based training system. This proposed rule retains some elements of our existing training program related to identifying minimum required training elements and affords lessees the flexibility to design a performance-based training plan and to ensure that their contractors are in compliance with such a plan.

On June 10, 1997, we conducted a public workshop in Houston, Texas, to get information pertinent to a revision of the February 5, 1997, Subpart O—Training regulation. The purpose of this workshop was to discuss the development of a performance-based training system for OCS oil and gas activities. In the April 4, 1997, **Federal Register** notice (62 FR 18070) announcing the workshop, we stated that the goal of the meeting was to develop a procedure which ensures that lessee and contractor employees are trained in well control or production safety system operations by creating a less prescriptive training program focusing on results and not on processes.

To improve the regulations at 30 CFR Part 250, Subpart O—Training, the

workshop notice asked attendees to be prepared to present and discuss comments on the following four performance measures and indicators which could be used as part of a performance-based program:

- *MMS Written Test:* We may test lessee or contractor employees. We may give announced or unannounced written tests at a training site, office, or work location.
- *MMS Simulator and Hands-On Testing:* We may conduct production safety system equipment hands-on testing or well-control simulator testing of lessee or contractor employees. We may give announced or unannounced tests at a training site, office, or work location.
- *Audits, Interviews or Cooperative Reviews:* We may meet with lessee or contractor employees periodically to determine the effectiveness of their training program. These announced or unannounced meetings may include an evaluation of training documents, procedures, or interviews of key personnel.
- *Incident of Noncompliance (INC), Civil Penalty, and Event Data:* We may analyze the performance of a lessee by evaluation of INC, civil penalty, and event data. Event data includes information dealing with spills, fires, explosions, blowouts, fatalities, collisions, and injuries. As part of this evaluation, we may analyze the data in relation to the following:

—Number of facilities (platform/rig) operated by a company;
—Production volumes of an operator;
—Location of activity; or
—Frequency of events.

The notice also encouraged the public to suggest other viable performance measures or indicators for us to consider for a performance-based training program. Workshop participants suggested no new measures or indicators.

Approximately 150 people attended the workshop, representing a diverse cross section of the oil and gas industry. Most of the attendees were associated with major and independent oil and gas producing companies. There was no significant participation from contractors. Representatives from 12 of the 55 MMS-accredited training schools attended the workshop.

We discussed industry views concerning a performance-based training program and gathered comments. Some commenters favored the development of a performance-based training system while others suggested that the current system be modified to provide added flexibility. Another group of commenters favored the development of a dual training system incorporating elements from both a performance-based program and MMS's current system. This proposal would allow individual companies to collect performance measures data, and to petition us for alternative compliance to Subpart O. The petition would include a company's individual performance measures versus industry averages and ranges, and information on a company's individual training program. If we approved a company's petition, then it would implement its own program instead of complying with existing Subpart O requirements. Companies that do not petition us to use alternative compliance methods, or have their petition denied, would continue implementing current Subpart O regulations.

We believe that the proposed rule retains critical safety elements from the current system and provides added flexibility by allowing lessees to develop training programs in a performance-based environment. Under the proposal, lessees, not MMS, will be responsible for ensuring that personnel employed at their facilities are trained and competent. We intend to focus our resources on evaluating lessee performance, not on accrediting schools. Lessees wishing to continue using an existing school program or develop a new school program to train their employees may do so as long as the program meets the minimum requirements included in the proposed rule.

Another issue raised by segments of the oil and gas industry in attendance at the workshop was the potential for certain companies to neglect training under a performance-based regime. As part of the proposed rule, lessees will be required to develop a training plan defining their program. Minimum information to be included in the plan is listed in this proposed rule. We will monitor company training programs to determine their effectiveness. Those lessees performing satisfactorily will receive less oversight by the agency, allowing us to concentrate on those companies achieving less than satisfactory results. Under such a system, companies will not be able to neglect training.

Another issue highlighted at the workshop dealt with a recommendation for MMS to use caution when changing from the current prescriptive training system to a performance-based system. Workshop participants questioned why we were willing to abandon the current system, which has been successful, and implement a new program. We believe that this proposed training regulation provides companies the opportunity to develop their own individual program, tailored to the needs of their employees. This flexibility will contribute to the development of new and innovative training techniques. We encourage such diversity because we feel that its ultimate result is safer and cleaner OCS operations.

Workshop participants also commented on the type of performance measures and indicators that we are considering. The participants felt that an unannounced written test could cause employees stress that would lead to poor performance on the exams. We do not feel that this is a valid concern. Although a testing situation may be stressful, the employee should be able to answer fundamental questions about production safety systems or well control operations. This same employee would be expected to respond positively in an actual situation where the risks to personnel health, safety, and environmental damage are great. We realize that the results of written tests are not always indicative of an individual's performance. For that reason, we propose to use a variety of performance measures to assess employees' skill and safety knowledge relative to their job.

Certain commenters stated that hands-on simulator testing was an excellent and realistic means of gauging performance, while others felt that we do not have the necessary expertise or equipment to conduct simulator tests. We agree that hands-on testing, using either well-control simulator technology, interactive computer systems, live well testing, or hands-on production safety system testing is an excellent means of evaluating an individual's performance. We also agree that we do not have the equipment or the expertise to conduct simulator testing. For that reason, the proposed rule includes a provision that either we or our authorized representative would administer or witness the testing if we find it necessary.

Other commenters stressed the point that all hands-on testing should be conducted at onshore facilities and not in an offshore environment so it does not interfere with offshore operations. Whenever possible, we will try to accommodate this concern. However, under certain circumstances it may be appropriate to conduct hands-on testing in an offshore environment. Therefore, either onshore or offshore testing are viable options for MMS to use in evaluating the performance of OCS employees.

Other commenters at the workshop stated that many offshore workers have difficulty reading regulations or company operating manuals. We believe this is a significant issue that should be addressed by individual lessees. We also feel that lessees are responsible for hiring well qualified and competent workers who should possess the ability to read appropriate and necessary information.

A commenter asked how we would react to a company that does not train its employees but has a good safety record as measured by appropriate performance measures. The proposed rule requires a company to develop a training plan and provide its employees with the necessary skills to perform their job. We will periodically evaluate the performance of companies relative to their plan to see how well employees are being trained. Regardless a of company's safety record, if we determine that the company is not training its employees, we will initiate appropriate enforcement actions as discussed in the rule.

Another commenter said that although there is an increase in OCS activity, there appears to be a shortage of trained and experienced workers. The commenter thought that this is not the right time to move towards a performance-based training system. We agree that we are seeing a significant upturn in OCS activity and an associated increase in the use of inexperienced personnel. However, the proposed changes are expected to improve company training programs by holding lessees accountable for the competency of their employees. We believe that a performance-based system that focuses on results and the ability of employees to demonstrate their job skills is preferable to the current school certification system.

To implement this rule, we will periodically assess company performance to determine how well its employees are trained. This assessment will include implementation of one or more of the following techniques: training system audits, employee interviews, written testing, and equipment-based hands-on testing. We are seeking input on what situations and threshold levels we should use as part of our assessment of your training program to trigger the different enforcement actions included in this rule. Some specific issues to address in your comments should include the following:

—Is there a specific written test score (re: threshold level) we should use to signify the competency of an individual?

—If an individual or group of individuals receives a written test score below a level determined to signify competency, should we issue an INC, conduct a retest, or initiate some other type of enforcement action?

—What issues should we focus on when conducting employee interviews? How often should these interviews be conducted? What situation(s) should trigger MMS to conduct an interview?

—What type of enforcement action should we initiate if during an employee interview an employee exhibits only a minimal understanding of the employer's training program?

—Are there any situations where we should not allow an employee to continue working on the OCS?

—Under what circumstances should we initiate hands-on testing of employees?

We intend to conduct at least one workshop on this proposed training rule during the comment period. We will notify you in a separate document.

Procedural Matters

Federalism (Executive Order (E.O.) 12612

In accordance with E.O. 12612, the rule does not have significant Federalism implications. A Federalism assessment is not required.

Takings Implications Assessment (E.O. 12630)

In accordance with E.O. 12630, the rule does not have significant Takings Implications. A Takings Implication Assessment is not required.

Regulatory Planning and Review (E.O. 12866)

This document is a significant rule and is subject to review by the Office of Management and Budget (OMB) under E.O. 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The estimated yearly gross cost to the oil and gas industry to train its employees at MMS accredited schools is $5,955,000. We feel that the cost of complying with the proposed rule would be somewhat less than this amount. Under the proposed rule, the oil and gas industry would have flexibility to tailor its training program to the specific needs of each company, resulting in lower training costs. The rule does not add any new cost to the oil and gas industry and it will not reduce the level of safety to personnel or the environment.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does raise novel legal or policy issues. This is a performance-based rule.

Clarity of This Regulation

E.O. 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions such as the following:

(1) Are the requirements in the rule clearly stated?

(2) Does the rule contain technical language or jargon that interfere with its clarity?

(3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?

(4) Would the rule be easier to understand if it were divided into more (but shorter) sections?

(5) Is the description of the rule in the ''Supplementary Information'' section of this preamble helpful in understanding the rule? What else can we do to make the rule easier to understand?

Send a copy of any comments on how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240. You may also e-mail the comments to this address: Exsec@ios.doi.gov.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required.

Paperwork Reduction Act (PRA) of 1995

The proposed rule contains a collection of information which has

been submitted to OMB for review and approval under section 3507(d) of the PRA. As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on any aspect of the reporting and recordkeeping burden. Submit your comments to the Office of Information and Regulatory Affairs; OMB; Attention: Desk Officer for the Department of the Interior (OMB control number 1010–NEW); 725 17th Street, NW, Washington, DC 20503. Send a copy of your comments to the Rules Processing Team, Attn: Comments; Mail Stop 4024; Minerals Management Service; 381 Elden Street; Herndon, Virginia 20170–4817. You may obtain a copy of the supporting statement for the new collection of information by contacting the Bureau's Information Collection Clearance Officer at (202) 208–7744.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 to 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it by May 20, 1999. This does not affect the deadline for the public to comment to MMS on the proposed regulations.

The title of the collection of information for this proposed rule is ''Proposed Rulemaking, 30 CFR 250, Subpart O—Training'' (OMB control number 1010-NEW). Respondents are approximately 130 Federal OCS oil and gas or sulphur lessees. The frequency of response is primarily ''on occasion.'' Responses to this collection of information are mandatory. We will protect proprietary information in accordance with the Freedom of Information Act and 30 CFR 250.118, ''Data and information to be made available to the public.''

The proposed rule contains the following information collection requirements and estimated burdens:

1. Develop and maintain training plans (average 2.2 hours per plan). The burden will be greater during the first year when some companies will need to develop plans, but will decrease in subsequent years when companies will only have to maintain plans. The burden per plan is annualized over a three-year period.

2. Maintain documentation of employee training activities (average 5 minutes per training record).

3. Employee responses to oral interviews conducted by MMS to evaluate the effectiveness of the company's training program (10 minutes per interview).

4. Revise and submit training plans to correct deficiencies identified by MMS (4 hours per revised plan).

We estimate the total annual reporting and recordkeeping ''hour'' burden for the proposed rule to be 2,044 hours. This will reflect a decrease of 917 hours when it replaces the collection of information approved for the current requirements in 30 CFR 250, Subpart O (1010–0078).

We will summarize written responses to this notice and address them in the final rule preamble. All comments will become a matter of public record.

1. We specifically solicit comments on the following questions:

(a) Is the proposed collection of information necessary for MMS to properly perform its functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the PRA requires agencies to estimate the total annual reporting and recordkeeping ''cost'' burden resulting from the collection of information. We have not identified any and solicit your comments on this item. For reporting and recordkeeping only, your response should split the cost estimate into two components: (a) total capital and startup cost component, and (b) annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practices.

Regulatory Flexibility Act

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Currently there are 55 MMS accredited training schools: we have approved 24 schools to teach production safety courses, 26 schools to teach well control courses, and 5 schools to teach both well control and production courses. The training companies best fit under the SIC 8249 and the criteria for small businesses is $5 million in revenue. Based on that criteria, 25 training companies will fall into the small business category.

Although we would no longer be accrediting schools, lessee personnel and those hired by the lessee will have to be trained and competent in the duties associated with their particular job.

The training schools that teach a broad range of vocational courses in addition to MMS accreditation courses will not be significantly affected. Also, schools that teach only MMS accreditation courses and provide quality training at a competitive price will continue to compete effectively for customers. Based on our experience, the failure rate of the schools in the offshore training industry should not change significantly under a performance-based program. Under the current regulations we maintain a database that tracks training schools approved by the agency. Based on information from this database less than 2 percent of the training schools approved by MMS go out of business each year; under the new rule we expect this to remain the same. MMS experience has shown that because of lower overhead and competitive pricing, small training schools are just as capable as the larger schools at adapting to change. Under this proposal schools will have the flexibility to tailor their training programs to accommodate the needs of the oil and gas industry. The training industry has been requesting this flexibility for years, and this performance-based training rule will make that possible.

We believe these changes will make it easier for small schools to market their program at a competitive rate to small contractors who may have special needs working in the oil and gas industry. We

view this is as a positive impact for the training industry.

Under the proposed rule we will monitor the lessees and hold them responsible for ensuring that their employees are trained in a timely manner. We believe this will encourage lessees to provide their employees training in a more consistent and timely manner, thus increasing student enrollment resulting in financial benefits to both large and small training schools.

The oil and gas companies that operate on the OCS are predominately in SIC 1311, crude petroleum and natural gas. Under the SIC 1311, companies with less than 500 employees are considered small businesses and we estimate that 70 percent of the 130 OCS operating companies fall into the small business category. Although, these companies may be technically ''small,'' they have to be financially strong to operate in the marine environment.

A positive effect for both small and large companies is that they will have increased options concerning where to get their training. This will change how a company does business. Small businesses operating on the OCS will continue to have the option of using a third-party training organization to train their employees, the same as under the current system. These businesses will not be subject to any additional training costs or economic burdens as a result of the proposed rule.

Under the proposed rule, the oil and gas industry would have the flexibility to tailor its training program to the specific needs of each company. Small businesses that operate on the OCS will be positively impacted by this proposal. They will be given the added flexibility to determine the type of training, methodology (classroom, computer, team, on-the-job), length of training, frequency and subject matter content for their training program. Since this rule will not have a significant effect on small training schools, or small lessees working on the OCS, the Department has certified that this rule will not have a significant effect on a substantial number of small entities.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on any enforcement actions, call toll-free at (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under (5 U.S.C. 804(2)), SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more,

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act of 1995

DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of $100 million or more in any given year on State, local, and tribal governments, or the private sector.

List of Subjects in 30 CFR Part 250

Reporting and record-keeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: December 23, 1998.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, Minerals Management Service (MMS) proposes to amend 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

2. Subpart O is revised to read as follows:

Subpart O—Training

Sec.

§ 250.1500 Definitions.

Terms used in this subpart have the following meaning:

Employee means lessee or contractor employees.

Floorhand means rotary helpers, derrick-men, or their equivalent.

I or *you* means the lessee engaged in oil, gas, or sulphur operations in the Outer Continental Shelf (OCS).

Lessee means a person who has entered into a lease with the United States to explore for, develop, and produce the leased minerals. The term *lessee* also includes an owner of operating rights for that lease and the MMS-approved assignee of that lease.

Production safety system employee means employees who install, repair, test, maintain, or operate surface or subsurface safety devices, as well as the platform employee who oversees production operations.

Supervisor means the driller, tool-pusher, operator's representative, or their equivalent.

Training school means a party who has developed a course to teach well-control for drilling, well completion and well workover, well servicing, or production safety systems.

Well completion/well workover means those operations following the drilling of a well that are intended to establish production or to restore production to a well. For the purpose of this subpart, well completion/well workover includes small tubing operations but does not include those operations defined as well servicing.

Well servicing means snubbing and coil tubing operations.

§ 250.1501 What is the goal of my training program?

The goal of your training program is safe and clean OCS operations. To accomplish this goal, you must ensure that your employees are experienced and competent in their respective work assignments.

§ 250.1502 What are my general responsibilities for training?

(a) You must ensure that your employees are properly trained in the

job skills and safety knowledge elements for their positions. We regard the job skills and safety knowledge elements in this subpart as the minimum qualifications OCS workers must have to complete their assigned duties safely and in a manner which protects the environment. You may expand the knowledge elements as appropriate for particular operations. Because you are accountable for the performance of your employees, you must focus on training results, regardless of the method or process used to train them.

(b) You must have a training plan which specifies the type, method, length, frequency, and content of the training. This plan must include at least the following information:

(1) Training in operating procedures, welding, burning, hot tapping practices, safe work practices, emergency response and control measures.

(2) Training and job qualification requirements for each employee's position.

(3) Procedures for maintaining and enhancing job skill requirements, including the latest technological advancements.

(4) Procedures for evaluating contractor personnel.

(5) Procedures for verifying the skills of employees on a periodic basis.

(6) Recordkeeping and documentation procedures.

(7) Audit procedures for your training plan.

(c) You must keep copies of your training plan and documentation for each employee for 5 years at the lessee's or contractor's field office, Headquarters office, or at another location conveniently available to the MMS Regional Supervisor, Field Operations.

§ 250.1503 What job skills and safety knowledge elements must my training cover for well control, production safety systems, and other types of training?

(a) Employees must receive enough training to ensure competency in their assigned duties.

(b) Employees must receive training in basic safety and environmental issues and procedures.

(c) Employees must receive training in the use of each safety device that they will encounter in their normal duties.

(d) Employees must receive additional training as required by §§ 250.1504 through 250.1506.

§ 250.1504 What well control training must my employees receive?

Employees must receive training in well control knowledge and skills as indicated in the following table:

Safety knowledge and skill elements	Drilling		WC/WO [3]		WS [4]
	Super [1]	Floor [2]	Super	Floor	
(a) Hands-on training in:					
(1) Choke manifold operation		√		√	
(2) Stand pipe operation		√		√	
(3) Mud room valves operation		√			
(b) Care, handling & characteristics of drilling and well completion/well workover fluids	√	√			√
(c) Care, handling & characteristics of well completion/well workover fluids & packer fluids			√	√	√
(d) Major causes of uncontrolled fluids from a well including:					
(1) Failure to keep the hole full	√		√		
(2) Swabbing effect	√		√		
(3) Loss of circulation	√		√		
(4) Insufficient drilling fluid density	√		√		
(5) Abnormally pressured formations	√		√		
(6) Effect of too rapidly lowering the pipe in the hole	√		√		
(e) Importance of & instructions on measuring the volume of fluid to fill the hole during trips	√		√		
(f) The importance of filling the hole as it relates to shallow gas conditions	√				
(g) Filling the tubing & casing with fluid to control bottomhole pressure				√	
(h) Warning signals that indicate a kick & conditions that can lead to a kick	√	√	√	√	
(i) Controlling shallow gas kicks and using diverters	√				
(j) At least one bottomhole pressure well control method including conditions unique to a surface or subsea BOP stack	√		√		
(k) Installing, operating, maintaining & testing BOP & diverter systems	√	√			
(l) Installing, operating, maintaining & testing BOP systems			√	√	
(m) Government regulations on:					
(1) Emergency shutdown systems					√
(2) Production safety systems					√
(3) Drilling procedures	√				
(4) Wellbore plugging & abandonment	√		√		
(5) Pollution prevention & waste management	√	√	√	√	√
(6) Well completion & well workover requirements (Subparts E & F of 30 CFR part 250)			√		√
(n) Procedures & sequential steps used on the following pieces of equipment when shutting in a well:					
(1) BOP system	√		√		√
(2) Surface/subsurface safety system					√
(3) Choke manifold	√		√		
(o) Well control exercises with a simulator, interactive computer system or live well suitable for modeling well completion/well workover operations			√		
(p) Well control exercises with a simulator, interactive computer system or live well suitable for modeling drilling operations	√				
(q) Instructions & simulator or live well experience on organizing & directing a well killing operation	√		√		

Safety knowledge and skill elements	Drilling		WC/WO [3]		WS [4]
	Super [1]	Floor [2]	Super	Floor	
(r) At least two simulator practice problems rotating trainees using teams of three or less members	√		√		
(s) Care, operation, purpose, and installation of well control equipment	√	√	√	√	
(t) Limitations of the equipment that may wear or be subjected to pressure	√		√		√
(u) Instructions in well control equipment, including:					
(1) Surface equipment	√		√		√
(2) Well completion/well workover, BOP & tree equipment	√		√		√
(3) Downhole tools & tubulars	√		√		√
(4) Tubing hanger, back pressure valve (threaded/profile), landing nipples, lock mandrels for corresponding nipples & operational procedures for each, gas lift equipment & running & pulling tools operation	√				√
(5) Packers	√		√		√
(v) Instructions in special tools & systems, such as:					
(1) Automatic shutdown systems (control points, activator pilots, monitor pilots, control manifolds & subsurface systems)					√
(2) Flow string systems (tubing, mandrels & nipples, flow couplings, blast joints, & sliding sleeves)					√
(3) Pumpdown equipment (purpose, applications, requirements, surface circulating systems, entry loops and tree connection/flange)					√
(w) Instructions for detecting entry into abnormally pressured formations & warning signals	√				
(x) Instructions on well completion/ well control problems	√				
(y) Well control problems during well completion/well workover operations including:					
(1) Killing a flow			√		
(2) Simultaneous drilling & well completion & well workover operations on the same platform			√		
(3) Killing a producing well			√		
(4) Removing the tree			√		
(z) Calculations on the following:					
(1) Fluid density increases that controls fluid flow into the wellbore	√		√		
(2) Fluid density to pressure conversion & the danger of formation breakdown under the pressure caused by a fluid column, especially when setting casing in shallow formations	√				
(3) Fluid density to pressure conversion & the danger of formation breakdown under the pressure caused by a fluid column			√		
(4) Equivalent pressures at the casing seat depth	√				
(5) Drop in pump pressure as fluid density increases & the relationship between pump pressure, pump rate, & fluid density	√		√		
(6) Pressure limitations on casings	√		√		
(7) Hydrostatic pressure & pressure gradients	√		√		√
(aa) Unusual well control situations, including the following:					
(1) Drill pipe is off bottom or out of the hole. Work string is off bottom or out of the hole	√		√		
(2) Lost circulation occurs	√		√		
(3) Drill pipe is plugged. Work string is plugged	√		√		
(4) Excessive casing pressure	√		√		
(5) There is a hole in drill pipe. Hole in the work string. Hole in the casing string	√		√		
(6) Multiple well completion			√		
(bb) Special well control problems while drilling with a subsea stack including:					
(1) Choke line friction pressure determinations	√		√		
(2) Use of marine risers	√		√		
(3) Riser collapse	√		√		
(4) Removing trapped gas from the BOP stack after controlling a well kick	√		√		
(5) ''U'' tube effect as gas hits the choke line	√		√		
(cc) Mechanics of various well controlled situations, including:					
(1) Gas bubble migration & expansion	√		√		
(2) Bleeding volume from a shut-in well during gas migration	√		√		
(3) Excessive annular surface pressure	√		√		
(4) Differences between a gas kick, a salt water and/or oil kick	√		√		
(5) Special well control techniques (such as, but not limited to, barite plugs & cement plugs)	√		√		
(6) Procedures & problems involved when experiencing lost circulation	√		√		
(7) Procedures & problems involved when experiencing a kick while working over or completing a well including conducting small tubing operations in a hydrogen sulfide (H_2S) environment			√		
(8) Procedures & problems involved when experiencing a kick while drilling in a H_2S environment	√				
(9) Procedures & problems involved when experiencing a kick while servicing a well including snubbing, coil-tubing, and stripping & snubbing operations with work string					√

Safety knowledge and skill elements	Drilling		WC/WO [3]		WS [4]
	Super [1]	Floor [2]	Super	Floor	
(dd) Reasons for well completion/well workover, including:					
(1) Reworking a reservoir to control production			√		√
(2) Water coning			√		
(3) Completing a new reservoir			√		√
(4) Completing multiple reservoirs			√		√
(5) Stimulating a reservoir to increase production			√		√
(6) Repairing mechanical failure			√		√
(ee) Methods of preparing a well for entry:					
(1) Using back pressure valves			√		
(2) Using surface & subsurface safety systems			√		√
(3) Removing the tree & tubing hanger			√	√	√
(4) Installing & testing BOP & wellhead prior to removing back pressure valves & tubing plugs			√		√
(ff) Instructions in small tubing units:					
(1) Applications (stimulation operations, cleaning out tubing obstructions, plugback, and squeeze cementing)			√		
(2) Equipment description (derrick & drawworks, small tubing, pumps, weighted fluid facilities, and weighted fluids)			√		
(3) BOP equipment (rams, wellhead connection, & check valve)			√		
(gg) Methods for killing a producing well, including:					
(1) Bullheading			√		√
(2) Lubricating & bleeding			√		√
(3) Coil tubing			√		√
(4) Equipment description (coil tubing, reel, injection head, control assembly & injector hoist)					√
(5) BOP equipment (tree connection or flange, rams, injector assembly & circulating system)					√
(6) Snubbing			√		√
(7) Types (rig assist & stand alone)					√
(8) Applications (running & pulling production or kill strings, resetting weight on packers, fishing for lost wireline tools or parted kill strings, circulating cement or fluid initiating, flow and cleaning out sand in tubing.)					√
(9) Equipment (operating mechanism, power supply, control assembly & basket, slip assembly, mast & counterbalance winch & access window)					√
(10) BOP equipment (tree connection or flange, rams, spool, traveling slips, manifolds, auxiliary—full opening safety valve inside BOP, maintenance & testing)					√
(hh) The purpose & use of BOP closing units, including the following:					
(1) Charging procedures include precharge & operating pressure	√		√		
(2) Fluid volumes (usable & required)	√		√		
(3) Fluid pumps	√		√		
(4) Maintenance that includes charging fluid & inspection procedures	√		√		
(ii) Instructions on stripping & snubbing operations & using the BOP system for working pipe in or out of a wellbore under pressure	√				

Footnotes:
[1] Super = Supervisor.
[2] Floor = Floorhand.
[3] WC/WO = Well Completion and Well Workover.
[4] WS = Well Servicing.

§ 250.1505 What training must my production safety system employees receive?

You must ensure that your employees receive all of the training specified in this section.

(a) You must ensure that your employees understand Government regulations related to:

(1) Pollution prevention and waste management; and

(2) Requirements for well completion and well workover operations.

(b) You must give your employees instruction in the following (contained in, but not limited to, API RP 14C):

(1) Failures or malfunctions in systems that cause abnormal conditions and the detection of abnormal conditions;

(2) Primary and secondary protection devices and procedures;

(3) Safety devices that control undesirable events;

(4) Safety analysis concepts;

(5) Safety analysis of each basic production process component; and

(6) Protection concepts.

(c) You must give your employees hands-on training on covering, installing, operating, repairing, or maintaining the following equipment:

(1) High-low pressure sensors;

(2) High-low level sensors;

(3) Combustible gas detectors;

(4) Pressure relief devices;

(5) Flowline check valves;

(6) Surface safety valves;

(7) Shutdown valves;

(8) Fire (flame, heat, or smoke) detectors;

(9) Auxiliary devices (3-way block and bleed valves, time relays, 3-way snap acting valves, etc.);

(10) Surface-controlled subsurface safety valves and surface-control equipment; and

(11) Subsurface-controlled subsurface safety valves.

(d) You must give your employees instructions on inspecting, testing and maintaining surface and subsurface devices and surface control systems for subsurface safety valves.

(e) You must give your employees instructions in at least one safety device

that illustrates the primary operation principle in each class for safety devices:

(1) Basic operational principles;

(2) Limits affecting application;

(3) Problems causing equipment malfunction and how to correct these problems;

(4) A test for proper actuation point and operations;

(5) Adjustments or calibrations;

(6) Recording inspection results and malfunctions; and

(7) Special techniques for installing safety devices.

(f) You must give your employees instructions on the following basic principles and on the logic of the emergency support system:

(1) Combustible and toxic gas detection system;

(2) Liquid containment system;

(3) Fire loop system;

(4) Other fire detection systems;

(5) Emergency shutdown system; and

(6) Subsurface safety valves.

§ 250.1506 What other types of training must my employees receive?

Your employees must receive other training as shown in the following table.

Training elements	Where can you find information on these training elements?
Operational Hazards	MMS approved plans or permits.
Hydrogen Sulfide	30 CFR 250.417(g)(1) through (5) Subpart D.
Crane Operation	30 CFR 250.101 (API RP 2D).
Environmental	Lease stipulations and NTLs.
Pollution	30 CFR 254.29(b) and 254.41(c).
Cultural	Lease stipulations and NTLs.
Electrical	30 CFR 250.403(d).

§ 250.1507 May I use alternative training methods?

You may use alternative training methods. These methods may include team, self-paced, hands-on, on-the-job, or computer-based learning.

§ 250.1508 Where may I get training for my employees?

You may get training from any source that meets your employee's job qualification requirements. These may include your own training programs, private vendors, universities, or government institutions.

§ 250.1509 How often must I train my employees?

You determine the frequency of the training you provide your skilled employees. You must train them as often and as much as necessary to maintain their job and knowledge qualifications, and to keep them current in the latest technological advances and regulatory changes.

§ 250.1510 How will MMS measure training results?

(a) MMS may periodically assess your training program to see how well your employees are trained.

(b) To assess your program, MMS may use one of the following evaluation methods:

(1) *Training system audit.*

A training system audit may be conducted by MMS personnel and/or its authorized representative at your office. You will be asked to explain your overall training program. This review may include an evaluation of your training plans and/or records.

(2) *Employee interviews.*

MMS may conduct interviews at either onshore or offshore locations to determine what type of training your employees have had, when and where this training was conducted, and an employee's evaluation of the training in relation to his/her specific job.

(3) *Written test.*

MMS personnel and/or its authorized representative may conduct testing at either onshore or offshore locations for the purpose of evaluating an individual's knowledge of the training elements specified in this subpart. Your performance will be evaluated on how your employees perform relative to past written tests or compared to the written test scores of other companies.

(4) *Hands-on production safety, simulator, or live well testing.*

MMS personnel and/or its authorized representative may conduct tests at either onshore or offshore locations. Tests will be designed to evaluate the performance of employees in the job skills and safety knowledge elements identified in this subpart. You are responsible for the costs associated with this testing.

§ 250.1511 What must I do when MMS administers written tests?

If MMS tests your employees at either your worksite or an onshore location, you must:

(a) Allow MMS and/or its authorized representative to administer written tests to your employees.

(b) Identify your employees by current position, years of experience in present position, years of total oil field experience, and employer's name (e.g., operator, contractor, or sub-contractor company name).

§ 250.1512 What must I do when MMS requires hands-on, simulator, or other types of testing?

If MMS conducts or requires you to conduct hands-on, simulator, or other types of testing, you must:

(a) Allow MMS and/or its authorized representative to administer or witness the testing.

(b) Identify your employees by current position, years of experience in present position, years of total oil field experience, and employer's name (e.g., operator, contractor, or sub-contractor company name).

(c) Pay for all costs associated with the testing.

§ 250.1513 What will MMS do if my employees are not properly trained?

If MMS determines that you are not training your employees to perform their jobs effectively, we may initiate one or more of the following enforcement actions:

(a) Issue an Incident of Noncompliance;

(b) Require you to revise and submit to MMS your training plan to address identified deficiencies;

(c) Assess civil/criminal penalties; or

(d) Initiate disqualification procedures.

[FR Doc. 99–9683 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

[WV–081–FOR]

West Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing receipt of a proposed amendment to the West Virginia permanent regulatory program (hereinafter referred to as the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises the West Virginia Code to create the Office of Explosives and Blasting, and adds and amends sections of the West Virginia Code concerning blasting. The amendment is intended to improve the operational efficiency of the State program.

DATES: Written comments must be received on or before 4:00 p.m. on May 20, 1999. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m. on May 17, 1999. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on May 5, 1999.

ADDRESSES: Your written comments and requests to speak at the hearing should be mailed or hand delivered to Mr. Roger W. Calhoun, Director, Charleston Field Office at the address listed below.

Copies of the proposed amendment, the West Virginia program, and the administrative record on the West Virginia program are available for public review and copying at the addresses below, during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the proposed amendment by contacting the OSM Charleston Field Office.

Mr. Roger W. Calhoun, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 1027 Virginia Street, East, Charleston, West Virginia 25301 Telephone: (304) 347–7158

West Virginia Division of Environmental Protection, 10 McJunkin Road, Nitro, West Virginia 25143, Telephone: (304) 759–0515

In addition, copies of the proposed amendment are available for inspection during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, P.O. Box 886, Morgantown, West Virginia 26507, Telephone: (304) 291–4004

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office,323 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255–5265

FOR FURTHER INFORMATION CONTACT: Mr. Roger W. Calhoun, Director, Charleston Field Office; Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION:

I. Background on the West Virginia Program

On January 21, 1981, the Secretary of the Interior conditionally approved the West Virginia program. Background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and the conditions of the approval can be found in the January 21, 1981, **Federal Register** (46 FR 5915–5956). Subsequent actions concerning the West Virginia program and previous amendments are codified at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

II. Discussion of the Proposed Amendment

By letter dated March 25, 1999 (Administrative Record Number WV–1119), the West Virginia Division of Environmental Protection (WVDEP) submitted an amendment to the West Virginia program pursuant to 30 CFR 732.17. The amendment concerns changes to Chapter 22 Article 3 (§ 22–3) and § 22–1 of the West Virginia Code as contained in West Virginia Senate Bill (SB) 681. The amendment creates the Office of Explosives and Blasting within the WVDEP, and adds and amends sections of the West Virginia Code concerning blasting. By letter dated April 1, 1999 (Administrative Record Number WV–1121), the WVDEP notified us that the West Virginia Governor signed SB–681, and provided a copy of the signed bill.

The amendments submitted by the WVDEP are identified below. Minor wording changes and other non-substantive changes are not identified.

1. 22–1–7 Offices Within the Division; Continuation of the Office of Water Resources

New section 22–1–7(a)(7) is added to provide that the director shall maintain the office of explosives and blasting, which is charged, at a minimum, with administering and enforcing, under the supervision of the director, the provisions of 22–3A, concerning the office of explosives and blasting.

2. 22–3–13 General Environmental Protection Performance Standards for Surface Mining; Variances

Section 22–3–13(a) is amended to change the phrase ''* * * and other requirements as the director promulgates'' to read '' * * * and other requirements set forth in legislative rules proposed by the director.''

Section 22–3–13(b)(3) is amended to change a proviso statement concerning backfilling and grading requirements from, ''Provided further, That the director shall promulgate rules governing variances * * *'' to read, ''Provided further, That the director shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code. * * *''

Section 22–3–13(b)(15) concerning explosives is amended by deleting paragraphs (A), (C), and (E), and relettering the remaining paragraphs. Paragraph (D) concerning blaster certification, now relettered as paragraph (B), is amended by deleting the word ''director'' and adding in its place the words ''office of explosives and blasting.''

Section 22–3–13(e) concerning variances from approximate original contour is amended from the words, ''The director may promulgate rules that permit variances * * *'' to read ''The director may propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code, that permit variances. * * *''

Section 22–3–13(f) concerning coal mine waste piles is also amended to provide that the director may propose rules for legislative approval, rather than promulgate rules.

3. 22–3–13a Pre-Blast Survey Requirements

This section is all new. Section 22–3–13a(a) provides that at least 30 days before blasting, the following notifications shall be made in writing to all owners and occupants of man-made dwellings or structures that the operator or designee will perform pre-blast surveys: (1) For operations less than 200 acres in a single permitted area or less than 300 acres of contiguous or nearly contiguous area of two or more permitted areas, the notifications shall be to all owners and occupants within five tenths of a mile of the permitted area or areas; (2) for all other surface mining operations, the required notifications shall be to all owners or occupants within five tenths of a mile of the permitted area or areas, or seven

tenths of a mile of the proposed blasting site, whichever is greater.

Section 22–3–13a(b) adds a requirement that operators who have already made pre-blast surveys, and if Section 22–3–13a(a)(2) applies, shall notify owners and occupants within seven tenths of a mile of the blasting site, unless a written waiver is executed in accordance with Section 22–3–13(c).

Section 22–3–13a(c) provides for the waiver of the right to a pre-blast survey. This provision also provides that if access to conduct a pre-blast survey is denied and a waiver is not provided, or to the extent that access to any portion of the structure, underground water supply or well is impossible or impractical under the circumstances, the pre-blast survey shall indicate that access was refused, impossible or impractical. The operator or designee shall execute a sworn affidavit explaining the reasons and circumstances surrounding the refusals. The office of explosives and blasting shall not determine the pre-blast survey to be incomplete because it indicates that access was refused, impossible, or impractical. The operator shall send copies of all written waivers and affidavits to the office of explosives and blasting.

Section 22–3–13a(d) provides that if a pre-blast survey was waived by the owner and the property sold, the new owner may request a pre-blast survey from the operator.

Section 22–3–13a(e) provides that an owner may request from the operator a pre-blast survey on structures conducted after the original pre-blast survey.

Section 22–3–13a(f) provides for the information that a pre-blast survey must contain. Such information includes a general description of the structure and the survey methods; written documentation and drawings, videos or photos of the pre-blast defects, other physical conditions, and unusual or substandard construction of all structures, appurtenances and water sources which could be affected by blasting; written documentation of the water supply; a description of any portion of the structure and appurtenances not documented or photographed and the reasons; signature of the person performing the survey; and any other information required by rule.

Section 22–3–13a(g) provides that pre-blast surveys shall be submitted to the office of explosives and blasting at least 15 days prior to the start of blasting. The office shall review each survey for completeness only, and notify the operator of any deficiencies. The office shall notify the owner and occupant of the location and availability of the pre-blast survey, and provide a copy upon request.

Section 22–3–13a(h) provides that the operator shall file notice of the pre-blast survey or waiver in the office of the county clerk of the county commission of the county where the man-made dwelling or structure is located. The office of explosives and blasting shall prescribe the form to be used.

Section 22–3–13a(i) provides that the chief of the office of explosives and blasting shall propose rules for legislative approval in accordance with Article 29A–3 of the State Code, dealing with pre-blast survey requirements and setting the qualifications for individuals and firms performing pre-blast surveys.

Section 22–3–13a(j) provides that the provisions of Section 22–3–13a shall not apply to underground coal mining operations, and the extraction of minerals by underground mining methods or the surface impacts of the underground mining methods.

4. 22–3–22a Blasting Restrictions; Site Specific Blasting Design Requirement

This is a new section. Section 22–3–22a(a) provides that for this section, the term ''production blasting'' means blasting that removes the overburden to expose underlying coal seams and shall not include construction blasting.

Section 22–3–22a(b) provides that for this section, the term ''construction blasting'' means blasting to develop haul roads, mine access roads, coal preparation plants, drainage structures, or underground coal mine sites and shall not include production blasting.

Section 22–3–22a(c) provides that for this section, the term ''protected structure'' means any of the following that are outside the permit area: an occupied dwelling, a temporarily unoccupied dwelling which has been occupied within the past ninety days, a public building, a structure for commercial purposes, a school, a church, a community or institutional building, a public park or a water well.

Section 22–3–22a(d) provides that production blasting is prohibited within 300 feet of a protected structure or within 100 feet of a cemetery.

Section 22–3–22a(e) provides that blasting within 1000 feet of a protected structure shall have a site specific blast design approved by the office of explosives and blasting. The design shall limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts to do the following: (1) Prevent injury to persons; (2) prevent damage to property outside the permit area; (3) prevent adverse impacts on any underground mine; (4) prevent change in the course, channel or availability of ground or surface water outside the permit area; and (5) reduce dust outside the permit area. This provision also provides that in developing the blasting plan, consideration be given to such items as the physical condition, type and quality of construction of the protected structure, current use of the protected structure, and the concerns of the owner or occupant.

Section 22–3–22a(f) provides for the waiver in writing of the blasting prohibition within 300 feet, or the site specific restriction within 1000 feet. The operator shall send copies of all waivers to the office of explosives and blasting. Waivers shall be valid during the life of the permit and renewals, and shall be enforceable against any subsequent owners or occupants of the protected structure.

Section 22–3–22a(g) provides that this section does not apply to underground coal mining operations and the surface operations and impacts incident to underground coal operations, or to the extraction of minerals by underground mining methods or the surface impacts of the underground mining methods. Nothing in this section shall exempt any coal mining operation from the general performance standards contained in Section 22–3–13 and any implementing rules.

5. 22–3–23(c) Release of Bond or Deposits

Subsection 22–3–22(c)(3) concerning final bond release is amended to add a paragraph which provides that notwithstanding the bond release scheduling provisions of subdivisions (1), (2) and (3) of this subsection, if the operator completes the backfilling and reclamation in accordance with an approved post-mining land use plan that has been approved by the division of environmental protection and accepted by a local or regional economic development or planning agency for the county or region in which the operation is located, provisions for sound future maintenance are assured by the local or regional economic development or planning agency, and the quality of any untreated postmining water discharge complies with applicable water quality criteria for bond release, the director may release the entire amount of said bond or deposit. The director shall propose rules for legislative approval in accordance with the provisions of article 29a–3 of this code, to govern a bond release pursuant to the terms of this paragraph.

6. 22–3–24 Water Rights and Replacement; Waiver of Replacement

This Section is being amended to add new subsections (c), (d), (e), and (f). New subsection (c) provides that there is a rebuttable presumption that a mining operation caused damage to an owner's underground water supply if the inspector determines the following: (1) Contamination, diminution or damage to an owner's underground water supply exists; and (2) a pre-blast survey was performed, consistent with the provisions of section 22–3–13a, on the owner's property including the underground water supply that indicated that contamination, diminution or damage to the underground water supply did not exist prior to the mining conducted at the mining operation. The operator conducting the mining operation shall: (1) Provide an emergency drinking water supply within 24-hours; (2) provide a temporary water supply within 72-hours; (3) provide a permanent water supply within 30 days; and (4) pay all reasonable costs incurred by the owner in securing a water supply.

New subsection 22–3–24(d) provides that an owner aggrieved under the provisions of subsections (b) or (c) of this section, may seek relief in court or pursuant to the provisions of 22–3b–6.

New subsection 22–3–24(e) provides that the director shall propose rules for legislative approval to implement the requirements of this section.

New subsection 22–3–24(f) provides that the provisions of 22–3–24(c) shall not apply to underground coal mining operations, the surface operations and impacts incident to an underground coal mine, and the extraction of minerals by underground mining methods or the surface impacts of the underground mining methods.

7. 22–3–30a Blasting Requirements; Liability and Civil Penalties in the Event of Property Damage

This section is new. Subsection 22–3–30a(a) provides that blasting of overburden and coal shall be conducted in accordance with the rules and laws established to regulate blasting.

Subsection 22–3–30a(b) provides the penalties to be imposed for each permit area or contiguous permit areas where blasting was out of compliance and resulted in property damage to a protected structure as defined in 22–3–22a.

Subsection 22–3–30a(c) provides that the division of environmental protection may not impose penalties on an operator for the violation of any rule identified in 22–3–30a that is merely administrative in nature.

Subsection 22–3–30a(d) provides that the remedies provided in this section are not exclusive and shall not bar an owner or occupant from any other remedy accorded by law.

Subsection 22–3–30a(e) provides that the monetary penalties and revocation set out at 22–3–30(b) apply if the division of environmental protection establishes that production blasting was conducted within the 300 feet, or the 1000 feet standards set out at 22–3–22a, or was within 100 feet of a cemetery.

Subsection 22–3–30(f) provides that all penalties and liabilities set forth in this section shall be assessed and collected by the director, and deposited with the treasurer of the State of West Virginia in the ''general school fund.''

Subsection 22–3–30(g) provides that the director shall propose rules for the implementation of this section.

Subsection 22–3–30(h) provides that the provisions of this section shall not apply to underground coal mining operations and the surface operations and impacts incident to underground coal operations, or to the extraction of minerals by underground mining methods or the surface impacts of the underground mining methods. Nothing in this section shall exempt any coal mining operation from the general performance standards contained in Section 22–3–13 and any implementing rules.

8. 22–3A Office of Explosives and Blasting

Article 3A is new . Section 22–3A–1 provides for legislative findings, and policies and purposes. Section 22–3A–1 declares that establishment of the office of explosives and blasting is in the public interest, and that this office will be vested with authority to enforce the rules and laws established to regulate blasting.

Section 22–3A–2 creates the office of explosives and blasting, provides that the director shall appoint a chief to administer the office, and provides that the office shall assume responsibility for the enforcement of all the rules and laws established to regulate blasting.

Section 22–3A–3 establishes the powers and duties of the office of explosives and blasting.

Section 22–3A–4 provides that the office shall propose rules for the purpose of implementing Article 22–3A. The rules shall include, but not be limited to: procedures for the review, modification and approval of blasting plans, inspection and monitoring of blasting; minimum requirements for pre-blast surveys; procedures for the use of seismographs; a procedure to warn of impending blasting; a procedure to limit the type of explosives and detonating equipment, the size, timing, and frequency of blasts based on the physical conditions at the site to prevent injury, damage, and adverse impacts; publication of blasting schedules; and written notice of blasting schedules. The office shall also propose rules for blaster certification, and for disciplinary procedures for blasters.

Section 22–3A–5 provides that the office shall establish and manage a claims process related to blasting, and shall propose rules concerning blasting claims and arbitration. The section also provides that participation in the claims process is voluntary, but that claim determinations are intended to be final, if not taken to arbitration. The section provides for written notice, the payment of claims for which an operator is adjudged liable, and for the issuance of cessation orders. The section also provides that no permit shall be granted unless the applicant agrees to be subject to the terms of this section. The section also authorizes the office to retain the services of inspectors, experts and other persons or firms as necessary to fulfill its responsibilities under this section.

Section 22–3A–6 provides that rules, orders and permits already issued will remain in effect until modified, terminated, superseded, set aside or revoked by a court, and that proceedings pending before the division are not effected by this enactment.

Section 22–3A–7 concerns funding. It provides that the office shall assess each operator a fee on each quantity of explosive material used on the surface mining operations. The office shall propose rules establishing the fees, and the office shall deposit all monies received into a special fund called the ''mountaintop removal fund'' to be spent by the offices in conducting their duties. The legislature shall appropriate the funds for expenditure.

Section 22–3A–8 concerns the transfer of personnel and assets currently used to perform the duties of Article 22–3A to the office of explosives and blasting

Section 22–3A–9 sets forth the limitations of Article 22–3A. Except for sections five and seven of this article, all provisions of this article are also applicable to surface blasting activities related to underground mining operations.

Section 22–3A–10 provides that the office of explosives and blasting shall conduct or participate in studies or research to develop scientifically based data and recommendations related to various aspects of blasting. The office

shall report the data and recommendations to the joint committee on government and finance on or before January 1, 2001, and annually thereafter or as otherwise requested.

Section 22–3A–11 provides that the office of explosives and blasting is continued until July 1, 2002.

III. Public Comment Procedures

We are seeking comments, in accordance with the provisions of 30 CFR 732.17(h), on the proposed amendment submitted by the State of West Virginia by letter dated March 25, 1999. Your comments should address whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the West Virginia program.

Written Comments

Your written comments should be specific, pertain only to the issues proposed in this notice and include explanations in support of your recommendations. Comments received after the time indicated under **DATES** or at locations other than the OSM Charleston Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

If you wish to comment at the public hearing, you should contact the person listed above at **FOR FURTHER INFORMATION CONTACT** by close of business on May 5, 1999. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

If you file a written statement at the same time that you request a hearing, the statement will greatly assist the person who will make a transcript of the hearing.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with us to discuss the proposed amendments, may request a meeting at the Charleston Field Office by contacting the person listed above at **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed above at **ADDRESSES**. A written summary of each public meeting will be made part of the Administrative Record.

If you are disabled and have need for a special accommodation to attend a public hearing, please contact the person listed above at **FOR FURTHER INFORMATION CONTACT**.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 13, 1999.

H. Vann Weaver,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 99–9887 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 164–0112b; FRL–6324–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District (SMAQMD), Mojave Desert Air Quality Management District (MDAQMD), and the Ventura County Air Pollution Control District (VCAPCD) as Revisions to the California State Implementation Plan (SIP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of oxides of nitrogen (NO_X) emissions from rules from Sacramento Metropolitan Air Quality Management District (SMAQMD), Mojave Desert Air Quality Management

District (MDAQMD), and the Ventura County Air Pollution Control District (VCAPCD) as revisions to the California State Implementation Plan (SIP). SMAQMD's Rule 414 controls emissions of oxides of nitrogen from natural gas-fired water heaters; MDAQMD's Rule 1157 controls emissions from boilers and process heaters; and VCAPCD's Rule 74.16 controls emissions of oxides of nitrogen from oilfield drilling operations.

The intended effect of proposing approval of these rules is to regulate NO_X emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the final rules Section of this **Federal Register**, the EPA is approving the state's SIP submittal as direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by May 20, 1999.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation reports of the rules are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Sacramento Metropolitan Air Quality Management District (SMAQMD), 8475 Jackson Rd., Suite 200, Sacramento, CA 95826–3904.

Mojave Desert Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765–4182.

Ventura County Air Pollution Control District (VCAPCD), 800 South Victoria Avenue, Ventura, CA 93009.

FOR FURTHER INFORMATION CONTACT: Ed Addison, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1160.

SUPPLEMENTARY INFORMATION: This document concerns SMAQMD's Rule 414, Natural Gas-fired Water Heaters; MDAQMD's Rule 1157, Boilers and Process Heaters; and VCAPCD's Rule 74.16, Oilfield Drilling Operations. The California Air Resources Board submitted SMAQMD's Rule 414 to EPA for incorporation into its SIP on March 10, 1998. MDAQMD's Rule 1157 was submitted on August 1, 1997 and VCAPCD's Rule 74.16 on April 5, 1991.

For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Authority: 2 U.S.C. 7401 *et seq.*

Dated: April 1, 1999.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 99–9713 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–204–1–9913b; FRL–6326–8]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Memphis Ozone Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revisions to the Memphis and Shelby County Health Department (MSCHD) ozone (O_3) maintenance plan submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on September 18, 1997, with supplemental information submitted on June 30, 1998. The MSCHD revised their O_3 maintenance plan by adding new tables which correct errors made in the original base year inventory and maintenance plan. These corrections impact the transportation conformity budget for the greater Memphis Metropolitan Statistical Area. In the Final rules section of this **Federal Register**, the EPA is approving the Tennessee SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before May 20, 1999.

ADDRESSES: You should address comments on this action to Steven M. Scofield at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of documents related to this action are available for the public to review during normal business hours at the locations below. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN 204–1–9913a. The Region 4 office may have additional documents not available at the other locations.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Steven M. Scofield, 404/562–9034

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243–1531. 615/532–0554

Memphis and Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee 38105. 901/576–7600

FOR FURTHER INFORMATION CONTACT: Steven M. Scofield at 404/562–9034.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: March 25, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99–9715 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX 109–1–7412b; FRL–6329–1]

Rescission of the Conditional Section 182(f) Exemption to the Nitrogen Oxides (NO_X) Control Requirements for the Dallas/Fort Worth Ozone Nonattainment Area; Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing direct final rescission of the conditional section 182(f) exemption to the NO_X control requirements for the Dallas/Fort Worth ozone nonattainment area.

In the ''Rules and Regulations'' section of this **Federal Register**, we are rescinding the exemption as a direct final rule without prior proposal because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this rescission in the preamble to the direct final rule. If we receive no relevant adverse comments, we will not take further action on this proposed rule. If we receive relevant adverse comments, we will withdraw the direct final rule and it will not take effect. We will address all relevant public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Written comments must be received by May 20, 1999.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone: (214) 665–7214.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert R. Sherrow, Jr., Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone: (214) 665–7237.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action of the same title that is located in the ''Rules and Regulations'' section of this **Federal Register**.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: April 14, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–9869 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH 122–1b; FRL–6328–7]

Approval and Promulgation of Maintenance Plan Revisions; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to approve a March 18, 1999, request from Ohio for a State Implementation Plan (SIP) revision of the Stark County (Canton, Ohio) ozone maintenance plan. The maintenance plan revision establishes new transportation conformity mobile source emissions budgets for the year 2005. We are approving the allocation of a portion of the safety margin for volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) to the area's 2005 mobile source emissions budgets for transportation conformity purposes. This allocation will still maintain the total emissions for the area at or below the attainment level required by the transportation conformity regulations. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we receive no adverse comments in response to that direct final rule we plan to take no further activity in relation to this proposed rule. If EPA receives significant adverse comments, in writing, which have not been addressed, we will withdraw the direct final rule and address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: We must receive comments on this proposed rule by May 20, 1999.

ADDRESSES: Send written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

You may inspect copies of the documents relevant to this action during normal business hours at the following location: Regulation Development Section, Air Programs Branch, (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Please contact Patricia Morris at (312) 353–8656 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Environmental Scientist, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8656.

SUPPLEMENTARY INFORMATION: This Supplementary Information section is organized as follows:

What Action Is EPA Taking Today?

In this action, we are proposing to approve a revision to the maintenance plan for Stark County, Ohio. The revision will change the mobile source emission budget that is used for transportation conformity purposes. The revision will keep the total emissions for the area at or below the attainment level required by law. This action will allow State or local agencies to maintain air quality while providing for transportation growth.

Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: April 8, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 99–9867 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[KY 111–9914b; FRL–6325–9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the Section 111(d) Plan submitted by the Kentucky Division for Air Quality (DAQ) for the Commonwealth of Kentucky on December 3, 1998, for implementing and enforcing the Emissions Guidelines applicable to existing Municipal Solid Waste Landfills. The Plan was submitted by the Kentucky DAQ to satisfy certain Federal Clean Air Act requirements. In the Final Rules Section of this **Federal Register**, EPA is approving the Kentucky State Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments must be received in writing by May 20, 1999.

ADDRESSES: Written comments should be addressed to Karla McCorkle at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Division for Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Karla McCorkle at (404) 562–9043 or Scott Davis at (404) 562–9127.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: March 24, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99–9596 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF59

Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Sierra Nevada Distinct Population Segment of California Bighorn Sheep as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to make permanent the provisions of the emergency rule listing the Sierra Nevada distinct population segment of California bighorn sheep (*Ovis canadensis californiana*) as an endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). The emergency rule listing the population is published concurrently in this issue of the **Federal Register**. The population historically occurred only in the Sierra Nevada in California from Sonora Pass, Mono County south to Walker Pass, Kern County. Currently, the Sierra Nevada bighorn sheep is known from five disjunct subpopulations along the eastern escarpment of the Sierra Nevada in Mono and Inyo counties, California. A total of about 100 animals are known to exist. All five subpopulations are imminently threatened by mountain lion predation and disease. We solicit additional data and information that may assist us in making a final decision on this proposed action.

DATES: Comments from all interested parties must be received by June 21, 1999. Public hearing requests must be received by June 4, 1999.

ADDRESSES: Submit comments and materials concerning this proposal to the Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Rd., Suite B, Ventura, California 93003. Comments and materials received will be available for public inspection by appointment during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Carl Benz, Assistant Field Supervisor, Ventura Fish and Wildlife Office, at the address listed above (telephone 805/644–1766; facsimile 805/644–3958).

SUPPLEMENTARY INFORMATION:

Background

For a discussion of biological background information, previous Federal action, factors affecting the species, critical habitat, and conservation measures available to listed and proposed species, consult the emergency rule for the Sierra Nevada distinct population segment of California bighorn sheep published concurrently in this issue of the **Federal Register**.

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

In making any final decision on this proposal we will take into consideration the comments and any additional information we receive, and such communications may lead to a final regulation that differs from this proposal.

The Act requires that a public hearing be held if requested within 45 days of the date of publication of a proposed rule.

National Environmental Policy Act

We have determined that an Environmental Assessment or Environmental Impact State, as defined under the authority of the National Environmental Policy Act of 1969, need

not be prepared in connection with regulations adopted pursuant to section (4)(a) of the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any new collections of information other than those already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018–0094. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. For additional information concerning permit and associated requirements for endangered species, see 50 CFR 17.21 and 17.22.

Author

The primary author of this proposed rule is Carl Benz of the Ventura Fish and Wildlife Office (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

For the reasons given in the preamble to the emergency rule listing the Sierra Nevada distinct population segment of California bighorn sheep as endangered, published concurrently in the issue of the **Federal Register**, we propose to amend 50 CFR part 17 as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625. 100 Stat. 3500; unless otherwise noted.

2. In § 17.11(h) add the following to the List of Endangered and Threatened Wildlife in alphabetical order under MAMMALS:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Mammals:							
*	*	*	*	*	*	*	
Sheep, Sierra Nevada bighorn.	*Ovis canadensis californiana*.	U.S.A. (western conterminous states), Canada (southwest), Mexico (north).	U.S.A. (CA—Sierra Nevada).	E		NA	NA
*	*	*	*	*	*	*	

Dated: April 14, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99–9936 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 64, No. 75

Tuesday, April 20, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–007–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the Horse Protection Program.

DATES: We invite you to comment. We will consider all comments that we receive by June 21, 1999.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 99–007–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please send an original and three copies, and state that your comments refer to Docket No. 99–007–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: For information regarding the Horse Protection Program, contact Dr. Richard Watkins, Initiatives Coordinator, Animal Care, APHIS, 4700 River Road, Unit 84, Riverdale, MD 20737–1234, (301) 734–7833; or e-mail: richard.h.watkins@usda.gov. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, Agency Support Services Specialist, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Horse Protection.

OMB Number: 0579–0056.

Expiration Date of Approval: September 30, 1999.

Type of Request: Extension of approval of an information collection.

Abstract: The practice known as ''soring'' is the causing of pain in Tennessee Walking horses and other gaited horses in order to affect their performance. The Horse Protection Act (HPA) (15 U.S.C. 1821 *et seq.*) was enacted to eliminate soring by prohibiting the showing, exhibition, transport, or sale of sore horses. Exercising its rulemaking and enforcement authority under the HPA, the Animal and Plant Health Inspection Service (APHIS) issues and enforces regulations regarding horse protection.

In 1979, in response to an amendment to the HPA, APHIS issued regulations under which horse show management must hire individuals to conduct preshow inspections, in order to avoid liability under the HPA if sore horses are shown or exhibited. These individuals are referred to as designated qualified persons (DQPs). DQPs are trained and licensed only under industry-sponsored DQP programs that APHIS certifies and monitors, and that are currently run by horse industry organizations.

Enforcement of the HPA and its related regulations depends on inspections of horses by DQPs and by APHIS officials. In order for APHIS to monitor whether enforcement by DQPs and Department-certified DQP programs is effective, it is necessary that DQPs, DQP programs, and horse show management maintain or submit to APHIS records related to inspections at horse shows, as well as information regarding the certified programs.

No official government form is necessary for the reporting and recordkeeping required.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning such information collection. These comments are invited to help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, or other collection technologies e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average .177 hours per response.

Respondents: Horse industry organizations, DQP programs, and horse show management.

Estimated annual number of respondents: 650.

Estimated annual number of responses for respondent: 11.07.

Estimated total annual burden on respondents: 7,195 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and include in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 15th day of April 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–9848 Filed 4–19–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 99–020N]

National Advisory Committee on Meat and Poultry Inspection; Public Meeting

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service(FSIS)is announcing that the National Advisory Committee on Meat and Poultry Inspection will be meeting to discuss five new issues: (1) Qualifications of government and industry personnel in establishments which have implemented the Hazard Analysis and Critical Control Point (HACCP) system; (2) Using *Campylobacter* as a performance standard; (3) Elimination of all exemptions from Federal inspection; (4) Mandatory inspection of all animal flesh foods; and (5) Conceptual framework for producing food that is risk free. All interested persons are welcome to attend the public meeting and to submit written comments and suggestions on these and other issues the Committee might consider.

DATES: The meeting will be held on May 5 and 6, 1999. The full Committee will meet from 8:30 a.m. to 5:15 p.m. on May 5 and 6. Subcommittees will meet from 7:00 p.m. to 9:00 p.m. on May 5 to continue work on issues discussed during the full Committee meeting.

ADDRESSES: The meeting will be held at the Quality Hotel & Suites, Courthouse Plaza, 1200 North Courthouse Road, Arlington, VA 22201; telephone (703) 524–4000. The full Committee will meet in the Jefferson Room; subcommittees will meet in the Conference Center rooms. Submit written comments on the discussion topics to the FSIS Docket Clerk, Docket No. 99–020N, Room 102, Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250–3700. The comments and official transcript of the meeting will be kept in the Docket Clerk's office when they become available, and the Docket Clerk's office will be open between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Micchelli at (202) 720–6269, by FAX at (202) 690–1030, or E-mail to Michael.Micchelli@usda.gov. A schedule of events is available on the FSIS Homepage at *http://www.fsis.usda.gov.* Persons needing sign language interpreters or other special accommodations should contact Mr. Micchelli's office no later than April 29, 1999.

SUPPLEMENTARY INFORMATION:

On March 22, 1999, the Secretary of Agriculture renewed the charter for the National Advisory Committee on Meat and Poultry Inspection. The Committee provides advice and recommendations to the Secretary on Federal and State meat and poultry programs pursuant to sections 7(c), 24, 205, and 301(c) of the Federal Meat Inspection Act and sections 5(a)(3), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act. The FSIS Administrator is the Committee Chair. Committee membership is drawn from representatives of consumer groups, producers, processors, academia, and marketers from the meat and poultry industry and State government officials. The newly appointed members of the Committee are:

Terry Burkhardt, Wisconsin Bureau of Meat Safety and Inspection

Dr. James Denton, University of Arkansas

Caroline Smith-DeWaal, Center for Science in the Public Interest

Nancy Donley, Safe Tables Our Priority

Dr. Cheryl Hall, Zacky Farms, Inc.

Dr. Daniel E. LaFontaine, South Carolina Meat-Poultry Inspection Department

Rosemary Mucklow, National Meat Association

Dr. Dale Morse, New York Office of Public Health

Carol Tucker Foreman, Safe Food Coalition

Kathleen L. Hanigan, Farmland Foods, Inc.

Collette Schultz Kaster, Premium Standard Farms

Dr. Gary Weber, National Cattleman's Beef Association

Dr. Alice Hurlbert Johnson, National Turkey Federation

Michael M. Mamminga, Iowa Department of Agriculture and Land Stewardship

Dr. Lee C. Jan, Texas Department of Health

Walter E. Juzenas, American Public Health Association

The Committee deliberates on specific issues and makes recommendations to the whole Committee and the Secretary of Agriculture. The meeting is open to the public on a space-available, first-come basis. Registration is required and will take place at the meeting. Pre-registration is not required. Interested persons will have an opportunity to discuss issues relating to the activities of the Committee and may file comments as discussed above in **ADDRESSES.**

Done at Washington, DC, on: April 14, 1999.

Thomas J. Billy,

Administrator.

[FR Doc. 99–9959 Filed 4–19–99; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Blue Mountains Natural Resources Institute, Board of Directors, Pacific Northwest Research Station, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Blue Mountain Natural Resources Institute (BMNRI) Board of Directors will meet on June 1, 1999, at Agriculture Service Center Conference Room, 10507 N. McAlister Road, La Grande, Oregon. The meeting will begin at 9 a.m. and continue until 3:30 p.m. Agenda items to be covered will include: (1) Subcommittee presentation on new Institute direction (and discussion and decision), and (2) public comments. All BMNRI Board Meetings are open to the public. Interested citizens are encouraged to attend. Members of the public who wish to make a brief oral presentation at the meeting, should contact Larry Hartmann, BMNRI, 1401 Gekeler Lane, La Grande, Oregon 97850, 541–962–6537, no later than 5:00 p.m. May 28, 1999, to have time reserved on the agenda.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Larry Hartmann, Manager, BMNRI, 1401 Gekeler Lane, La Grande, Oregon 97850, 541–962–6537.

Dated: April 6, 1999.

Lawrence A. Hartmann,

Manager.

[FR Doc. 99–9771 Filed 4–19–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Khaled Khalil El-Awar; Order Denying Permission To Apply For or Use Export Licenses

On August 5, 1995 Khaled Khalil El-Awar (Khaled El-Awar) was convicted in the United States District Court for the Southern District of Texas, Houston Division, on one count of violating the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991 & Supp. 1998)) (IEEPA). Specifically, Khaled El-Awar was convicted of knowingly and willfully exporting and causing to be exported from the United States to Rotterdam, Holland, for transshipment to Libya, steel pipe and oil field accessories.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401–2420 (1991 & Supp. 1998)) (the Act),[1] provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of violating the IEEPA, or certain other provisions of the United States Code, shall be eligible to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (1998)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any license issued pursuant to the Act in which such a person had any interest at the time of conviction may be revoked.

Pursuant to sections 766.25 and 750.8(a) of the Regulations, upon notification that a person has been convicted of violating the IEEPA, the Director, Office of Exporter Services, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act or the Regulations, and shall also determine whether to revoke any license previously issued to such a person.

Having received notice of Khaled El-Awar's conviction for violating the IEEPA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Khaled El-Awar permission to apply for or use any license, including any License Exception, issued pursuant to, or provided by, the Act and the Regulations, for a period of eight years from the date of his conviction. The eight-year period ends on August 5, 2003. I have also decided to revoke all licenses issued pursuant to the Act in which Khaled El-Awar had an interest at the time of his conviction.

Accordingly, it is hereby

Ordered

I. Until August 5, 2003, Khaled Khalil El-Awar, 8000 Cook Road, Apartment #314, Houston, Texas 77072, may not, directly or indirectly, participate in any way, in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may do, directly or indirectly, any of the following:

A . Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or in intended to be, exported from the United States; or

E. Engage in any transaction to serve any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, serving means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Khaled El-Awar by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until August 5, 2003.

VI. A copy of this Order shall be delivered to Khaled El-Awar. This Order shall be published in the **Federal Register**.

Dated: April 12, 1999.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 99–9889 Filed 4–19–99; 8:45 am]

BILLING CODE 3510–DT–M

[1] The Act expired on August 20, 1994. Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), extended by Presidential Notices of August 15, 1995 (3 CFR, 1995 Comp. 501 (1996)), August 14, 1996 (3 CFR, 1996 Comp. (1997)), August 13, 1997 (3 CFR, 1997 Comp. 306 (1998)), and August 13, 1998 (63 Fed. Reg. 4412, August 17, 1998), continued the Export Administration Regulations in effect under the IEEPA.

[2] Pursuant to appropriate delegations of authority, the Director, Office of Exporter Services, in consolation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by Section 11(h) of the Act.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–805]

Extruded Rubber Thread From Malaysia; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Irina Itkin, AD/CVD Enforcement Group II, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–1776 or (202) 482–0656, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (1998).

Amendment to Final Results

In accordance with section 751(a) of the Act, on March 16, 1999, the Department published the final results of the 1996–1997 administrative review on extruded rubber thread from Malaysia, in which we determined that sales of extruded rubber thread from Malaysia were made at less than normal value (64 FR 12967). Also on March 16, 1999, we received allegations, timely filed pursuant to 19 CFR 351.224(c)(2), from Filati Lastex Sdn. Bhd. (Filati) and Heveafil Sdn. Bhd./Filmax Sdn. Bhd. (Heveafil) that the Department made two ministerial errors in its final results. We did not receive comments from Rubberflex Sdn. Bhd. (Rubberflex), Rubfil Sdn. Bhd. (Rubfil), or the petitioner.

After analyzing the submissions, we have determined, in accordance with 19 CFR 351.224, that a ministerial error was made in our final margin calculation for Heveafil. Specifically, we find that we failed to incorporate in our calculation a revision to U.S. insurance expenses for purposes of the final results. Regarding the other error alleged by Filati and Heveafil, however, we determined that the allegation actually questioned the Department's methodology underlying the calculation of uncollected duties. Consequently, we have determined that this allegation does not constitute a ministerial error as defined in 19 CFR 351.224(g). For a detailed discussion of the ministerial error allegations and the Department's analysis, see the memorandum to Louis Apple from the Team, dated April 12, 1999.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results of the 1996–1997 antidumping duty administrative review on extruded rubber thread from Malaysia.

The revised weight-averaged dumping margins are as follows:

Exporter/manufacturer	Original final margin percentage	Revised final margin percentage
Filati	2.07	2.07
Heveafil	4.78	4.77
Rubberflex	1.22	1.22
Rubfil	54.31	54.31

Scope of the Review

The product covered by this review is extruded rubber thread. Extruded rubber thread is defined as vulcanized rubber thread obtained by extrusion of stable or concentrated natural rubber latex of any cross sectional shape, measuring from 0.18 mm, which is 0.007 inch or 140 gauge, to 1.42 mm, which is 0.056 inch or 18 gauge, in diameter. Extruded rubber thread is currently classifiable under subheading 4007.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this review is dispositive.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), section 777(i) of the Act (19 U.S.C. 1677f(i)), and 19 CFR 351.210(c).

Dated: April 14, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–9878 Filed 4–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–835–802, A–844–802]

Agreement Suspending the Antidumping Investigation on Uranium from Kyrgyzstan and Uzbekistan

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of price determination on uranium from Kyrgyzstan and Uzbekistan.

SUMMARY: Pursuant to Section IV.C.1. of the agreements suspending the antidumping investigation on uranium from Kyrgyzstan and Uzbekistan, as amended, (antidumping suspension agreement on uranium from Kyrgyzstan and Uzbekistan), the Department of Commerce (the Department) calculated a price for uranium of $10.05/pound of U_3O_8 for the relevant period, as appropriate. This price will be used, as appropriate, according to Section IV.A. of the Uzbek agreement.

EFFECTIVE DATE: April 1, 1999.

FOR FURTHER INFORMATION CONTACT: Letitia Kress, Office of Antidumping Countervailing Duty Enforcement—Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482–6412.

Price Calculation

Background

Sections IV.C.1. of the antidumping suspension agreements on uranium from Kyrgyzstan and Uzbekistan prescribe that the Department issue its determined market price on April 1, 1999, and use it to determine the quota applicable to Uzbekistan during the period of October 13, 1998 to October 12, 1999. Consistent with the February 22, 1993 letter of interpretation, the Department provided interested parties with the applicable preliminary price determination on March 26, 1999. No interested party submited comments.

Calculation Summary

Sections IV.C.1. of these agreements specify how the components of the market price are to be determined. In order to determine the spot market price, the Department utilized the monthly average of the Uranium Price Information System Spot Price Indicator (UPIS SPI) and the weekly average of the Uranium Exchange Spot Price (Ux Spot). In order to determine the long-term market price, the Department utilized the weighted-average long-term price as determined by the Department on the basis of information provided by market participants and a simple average of the UPIS U.S. Base Price for the months in which there were new contracts reported.

The Department's letters to market participants provided a contract summary sheet and directions requesting the submitter to report his/her best estimate of the future price of merchandise to be delivered in accordance with the contract delivery schedules (in U.S. dollars per pound U_3O_8 equivalent). Using the information reported in the proprietary summary sheets, the Department calculated the present value of the prices reported for any future deliveries assuming an annual inflation rate of 1.51 percent, which was derived from a rolling average of the annual Gross Domestic Product Implicit Price Deflator index from the past four years. The Department then calculated weight-averaged annual prices according to the specified nominal delivery volumes for each year to arrive at the long-term contract price. The Department then calculated a simple average of the UPIS U.S. Base Price and the long-term contract price as determined by the Department.

Weighting

The Department used the average spot and long-term volumes of U.S. utility and domestic supplier purchases, as reported by the Energy Information Administration (EIA) to weight the spot and long-term components of the observed price. In this instance, we have used the purchase data from the period 1994–1997 since the EIA information for 1998 is not available. During this

period, the spot market accounted for 77.66 percent of total purchases, and the long-term market for 22.34 percent.

As in previous determinations, the Department used the EIA's *Uranium Industry Annual* to determine the available average spot-and long-term volumes of U.S. utility purchases. We have updated the data to reflect the period 1994 through 1997. The EIA has withheld certain business proprietary contract data from the public versions of the *Uranium Industry Annual 1994, Uranium Industry Annual 1995, Uranium Industry Annual 1996* and the *Uranium Industry Annual 1997.* The EIA, however, provided all business proprietary data to the Department and the Department has used it to update its weighting calculation.

Calculation Announcement

The Department determined, using the methodology and information described above, that the observed market price is $10.05. This reflects an average spot market price of $9.58, weighted at 77.66 percent, and an average long-term contract price of $11.72, weighted at 22.34 percent. This price will be used, as appropriate, to determine quota availability for purposes of Section IV.A. of the Uzbek agreement.

Dated: April 1, 1999.

Roland L. MacDonald,

Acting Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 99–9879 Filed 4–19–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041399B]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a number of public meetings of its oversight committees and advisory panels in May, 1999 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between May 4 and May 5, 1999. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Danvers, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (781) 231–0422. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus,MA 01906–1036; telephone: (781) 231–0422.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, May 4, 1999, 9:30 a.m.— Interspecies Committee Meeting

Location: Kings Grant Inn, Trask Road (Route 128 North), Danvers, MA 01923; telephone: (978) 774–6800; fax: (978) 774–6502.

The committee will discuss the issues of managing capacity and latent effort in New England fisheries; ranking of committee priorities; changing the start of the fishing year for various fisheries and review and discuss unresolved issues from the vessel permit consistency amendment.

Wednesday, May 5, 1999, 9:30 a.m.— Joint Habitat Advisors and Committee Meeting

Location: Kings Grant Inn, Trask Road (Route 128 North), Danvers, MA 01923; telephone: (978) 774–6800; fax: (978) 774–6502.

Review of 1999 Habitat Annual Review Report; consideration of additional Habitat Area of Particular Concern designations and measures to protect essential fish habitat; identification of habitat-related issues to be addressed during development of the next groundfish and sea scallop amendments.

Although other issues not contained in this agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: April 14, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–9863 Filed 4–19–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041499D]

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The South Atlantic Fishery Management Council's (Council) Marine Reserves Advisory Panel (AP) and Marine Reserves Committee (Committee), will hold a public meeting.

DATES: The meeting will be held on Monday, May 3, 1999, from 1:00 p.m. until 5:30 p.m.; Tuesday, May 4, 1999, from 8:30 a.m. until 5:30 p.m., and Wednesday, May 5, 1999, from 8:30 a.m. until 12:00 noon.

ADDRESSES: The meeting will be held at the Town and Country Inn, 2001 Savannah Highway, Charleston, SC; telephone: 843–571–1000.

Council address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

FOR FURTHER INFORMATION CONTACT: Susan Buchanan, Public Information Officer; telephone: (843)571–4366; fax: (843)769–4520; email: susan.buchanan@noaa.gov.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review the Council's objectives and approach regarding possible utilization of reserves in the south Atlantic region, as well as hear presentations on Gray's Reef and the Florida Keys National Marine Sanctuary/Tortugas 2000. The AP and Committee will discuss the role of the AP, as well as the Council's paper on ''Use of Marine Reserves in the South Atlantic Council's Area of Authority'', including the goal, criteria, law enforcement, outreach, and development approach for marine reserves. The AP and Committee also will make recommendations to the Council regarding these issues.

Although other issues not contained in this agenda may come before the AP and Committee for discussion, in

accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: April 15, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–9864 Filed 4–19–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

General Services Administration

National Aeronautics and Space Administration

[OMB Control No. 9000–0069]

Submission for OMB Review; Comment Request Entitled Indirect Cost Rates

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Indirect Cost Rates. A request for public comments was published at 64 FR 6055, February 8, 1999. No comments were received.

DATES: Comments may be submitted on or before May 20, 1999.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW., Room 4035, Washington, DC 20405.

Please cite OMB Control No. 9000–0069, Indirect Cost Rates, in all correspondence.

FOR FURTHER INFORMATION CONTACT: Linda Klein, Federal Acquisition Policy Division, GSA (202) 501–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

The contractor's proposal of final indirect cost rates is necessary for the establishment of rates used to reimburse the contractor for the costs of performing under the contract. The supporting cost data are the cost accounting information normally prepared by organizations under sound management and accounting practices.

The proposal and supporting data is used by the contracting official and auditor to verify and analyze the indirect costs and to determine the final indirect cost rates or to prepare the Government negotiating position if negotiation of the rates is required under the contract terms.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average 1 hour per completion, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *2,469;* responses per respondent, *1;* total annual responses, *2,469;* preparation hours per response, *1;* and total response burden hours, *2,469.*

Obtaining Copies of Proposals

Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 9000–0069, Indirect Cost Rates, in all correspondence.

Dated: April 15, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–9840 Filed 4–19–99; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Partnership Council Meeting

AGENCY: Department of Defense.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense (DoD) announces a meeting of the Defense Partnership Council. Notice of this meeting is required under the Federal Advisory Committee Act. This meeting is open to the public. The agenda will include a discussion of an initiative to examine labor relations training, and labor-management partnership affecting the Department's civilian workforce and other topics related to the enhancement of Labor-Management partnerships throughout DoD and other related Partnership topics.

DATE: The meeting is to be held May 19, 1999, in room 1E801, Conference Room 7, the Pentagon, from 1:00 p.m. until 3:00 p.m. Comments should be received by May 12, 1999, in order to be considered at the May 19 meeting.

ADDRESSES: We invite interested persons and organizations to submit written comments or recommendations. Mail or deliver your comments or recommendations to Mr. Kenneth Oprisko at the address shown below. Seating is limited and available on a first-come, first-serve basis. Individuals wishing to attend who do not possess an appropriate Pentagon building pass should call the below listed telephone number to obtain instructions for entry into the pentagon. Handicapped individuals wishing to attend should also call the below listed telephone number to obtain appropriate accommodations.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Oprisko, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 1400 Key Blvd, Suite B–200, Arlington, VA 22209–5144, (703) 696–6301, ext. 704.

Dated: April 14, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–9836 Filed 4–19–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 206. This bulletin lists

revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 206 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: April 1, 1999.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in the per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 205. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about the per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5001–10–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:						
ANCHORAGE [INCL NAV RES]						
05/01 - 09/30	161		63		224	03/01/99
10/01 - 04/30	89		56		145	03/01/99
BARROW	115		73		188	03/01/99
BETHEL	105		60		165	03/01/99
COLD BAY	110		68		178	03/01/99
CORDOVA	85		62		147	03/01/98
CRAIG						
05/01 -- 08/31	95		66		161	05/01/97
09/01 -- 04/30	79		64		143	05/01/97
DEADHORSE	80		67		147	03/01/99
DENALI NATIONAL PARK						
06/01 -- 08/31	115		52		167	03/01/98
09/01 -- 05/31	90		50		140	03/01/98
DILLINGHAM	95		59		154	08/01/98
DUTCH HARBOR-UNALASKA	110		71		181	03/01/99
EARECKSON AIR STATION	80		57		137	03/01/99
EIELSON AFB						
05/15 -- 09/15	118		58		176	03/01/99
09/16 -- 05/14	81		54		135	03/01/99
ELMENDORF AFB						
05/01 - 09/30	161		63		224	03/01/99
10/01 - 04/30	89		56		145	03/01/99
FAIRBANKS						
05/15 -- 09/15	118		58		176	03/01/99
09/16 -- 05/14	81		54		135	03/01/99
FT. RICHARDSON						
05/01 - 09/30	161		63		224	03/01/99
10/01 - 04/30	89		56		145	03/01/99
FT. WAINWRIGHT						
05/15 -- 09/15	118		58		176	03/01/99
09/16 -- 05/14	81		54		135	03/01/99
GLENNALLEN	90		52		142	10/01/98
HEALY						
06/01 -- 08/31	115		52		167	03/01/98
09/01 -- 05/31	90		50		140	03/01/98
HOMER						
05/15 -- 09/15	115		58		173	03/01/99
09/16 -- 05/14	98		57		155	03/01/99
JUNEAU	105		68		173	03/01/99
KAKTOVIK	175		74		249	03/01/99
KAVIK CAMP	125		69		194	03/01/99
KENAI-SOLDOTNA						
05/01 -- 09/30	114		63		177	03/01/99
10/01 -- 04/30	76		59		135	03/01/99
KENNICOTT	149		68		217	10/01/98
KETCHIKAN						

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/01 -- 09/30	110	74	184	03/01/99
10/01 -- 04/30	88	73	161	03/01/99
KING SALMON	101	70	171	03/01/99
KLAWOCK				
05/01 -- 08/31	95	66	161	05/01/97
09/01 -- 04/30	79	64	143	05/01/97
KODIAK	99	67	166	03/01/99
KOTZEBUE				
05/01 -- 08/31	137	75	212	03/01/99
09/01 -- 04/30	73	61	134	03/01/99
KULIS AGS				
05/01 - 09/30	161	63	224	03/01/99
10/01 - 04/30	89	56	145	03/01/99
MCCARTHY	149	68	217	10/01/98
METLAKATLA				
05/30 - 10/01	85	52	137	03/01/99
10/02 - 05/29	78	51	129	03/01/99
MURPHY DOME				
05/15 -- 09/15	118	58	176	03/01/99
09/16 -- 05/14	81	54	135	03/01/99
NOME				
03/01 - 03/31	117	58	175	03/01/99
04/01 - 02/29	92	56	148	03/01/99
NUIQSUT	120	69	189	03/01/99
PETERSBURG	87	57	144	03/01/99
POINT HOPE	130	70	200	03/01/99
POINT LAY	105	67	172	03/01/99
PRUDHOE BAY	80	67	147	03/01/99
SEWARD				
05/01 -- 09/30	122	65	187	03/01/99
10/01 -- 04/30	86	61	147	03/01/99
SITKA-MT. EDGECOMBE				
04/01 -- 09/04	101	60	161	03/01/98
09/05 -- 03/31	83	59	142	03/01/98
SKAGWAY				
05/01 -- 09/30	110	74	184	03/01/99
10/01 -- 04/30	88	73	161	03/01/99
SPRUCE CAPE	99	67	166	03/01/99
TANANA				
03/01 - 03/31	117	58	175	03/01/99
04/01 - 02/29	92	56	148	03/01/99
UMIAT	107	33	140	03/01/99
VALDEZ				
05/15 -- 10/01	110	63	173	03/01/99
10/02 -- 05/14	84	60	144	03/01/99
WAINWRIGHT	127	82	209	03/01/99
WRANGELL				
05/01 -- 09/30	110	74	184	03/01/99
10/01 -- 04/30	88	73	161	03/01/99

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
YAKUTAT	110	68	178	03/01/99
[OTHER]	80	57	137	03/01/99
AMERICAN SAMOA:				
AMERICAN SAMOA	73	53	126	03/01/97
GUAM:				
GUAM (INCL ALL MIL INSTAL)	150	79	229	05/01/98
HAWAII:				
CAMP H M SMITH	110	61	171	07/01/97
EASTPAC NAVAL COMP TELE AREA	110	61	171	07/01/97
FT. DERUSSEY	110	61	171	07/01/97
FT. SHAFTER	110	61	171	07/01/97
HICKAM AFB	110	61	171	07/01/97
HONOLULU NAVAL & MC RES CTR	110	61	171	07/01/97
ISLE OF HAWAII: HILO	80	52	132	06/01/98
ISLE OF HAWAII: OTHER	100	54	154	06/01/98
ISLE OF KAUAI				
05/01 -- 11/30	115	62	177	06/01/98
12/01 -- 04/30	136	64	200	06/01/98
ISLE OF KURE	60	41	101	07/01/97
ISLE OF MAUI	112	64	176	06/01/98
ISLE OF OAHU	110	61	171	07/01/97
KANEOHE BAY MC BASE	110	61	171	07/01/97
KEKAHA PACIFIC MISSILE RANGE FAC				
05/01 -- 11/30	115	62	177	06/01/98
12/01 -- 04/30	136	64	200	06/01/98
KILAUEA MILITARY CAMP	80	52	132	06/01/98
LULUALEI NAVAL MAGAZINE	110	61	171	07/01/97
NAS BARBERS POINT	110	61	171	07/01/97
PEARL HARBOR [INCL ALL MILITARY]	110	61	171	07/01/97
SCHOFIELD BARRACKS	110	61	171	07/01/97
WHEELER ARMY AIRFIELD	110	61	171	07/01/97
[OTHER]	79	62	141	06/01/93
JOHNSTON ATOLL:				
JOHNSTON ATOLL	13	9	22	07/01/97
MIDWAY ISLANDS:				
MIDWAY ISLANDS [INCL ALL MIL]	60	41	101	07/01/97
NORTHERN MARIANA ISLANDS:				
ROTA	105	71	176	05/01/97
SAIPAN	170	78	248	05/01/97
[OTHER]	61	53	114	05/01/97
PUERTO RICO:				
BAYAMON				
04/16 -- 11/14	150	70	220	04/01/99
11/15 -- 04/15	167	72	239	04/01/99
CAROLINA				
04/16 -- 11/14	150	70	220	04/01/99
11/15 -- 04/15	167	72	239	04/01/99
FAJARDO [INCL CEIBA, LUQUILLO & HUMACAO]				

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
	82	60	142	03/01/98
FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]				
04/16 -- 11/14	150	70	220	04/01/99
11/15 -- 04/15	167	72	239	04/01/99
LUIS MUNOZ MARIN IAP AGS				
04/16 -- 11/14	150	70	220	04/01/99
11/15 -- 04/15	167	72	239	04/01/99
MAYAGUEZ	94	60	154	06/01/98
PONCE	101	67	168	09/01/98
ROOSEVELT ROADS & NAV STA	82	60	142	03/01/98
SABANA SECA [INCL ALL MILITARY]				
04/16 -- 11/14	150	70	220	04/01/99
11/15 -- 04/15	167	72	239	04/01/99
SAN JUAN & NAV RES STA				
04/16 -- 11/14	150	70	220	04/01/99
11/15 -- 04/15	167	72	239	04/01/99
[OTHER]	66	57	123	09/01/98
VIRGIN ISLANDS (U.S.):				
ST. CROIX				
04/15 -- 12/14	107	75	182	08/01/98
12/15 -- 04/14	131	78	209	08/01/98
ST. JOHN				
04/15 -- 12/14	286	89	375	08/01/98
12/15 -- 04/14	413	102	515	08/01/98
ST. THOMAS				
04/15 -- 12/14	171	75	246	08/01/98
12/15 -- 04/14	285	87	372	08/01/98
WAKE ISLAND:				
WAKE ISLAND	60	32	92	09/01/98

[FR Doc. 99–9837 Filed 4–19–99; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board (AFEB)

AGENCY: Office of the Surgeon General, DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of Pub. L. 92–463, The Federal Advisory Committee Act, this announces the forthcoming AFEB meeting. This Board will meet from 0730–1630 on Monday, 24 May 1999. The purpose of the meeting is to address classified issues pertaining to the current DoD 1999 Biological Warfare Threat List. The meeting location will be at the Institute for Defense Analysis, Alexandria, Virginia. The meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof and Title 5, U.S.C., appendix 1, subsection 10(d).

FOR FURTHER INFORMATION CONTACT: COL Benedict Diniega, AFEB Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, Virginia 22041–3258, (703) 681–8012/4.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–9818 Filed 4–19–99; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Integrated Feasibility Report/Environmental Impact Statement for Environmental Restoration and Flood Control in the Sand Creek Watershed Near Wahoo, NE

AGENCY: Army Corps of Engineers, DoD.

ACTION: Correction.

SUMMARY: In previous **Federal Register** notice (Vol. 64, No. 67, pages 17148–17149), Thursday, April 8, 1999, make the following correction:

On page 17149 in column one, line 18, the e-mail address indicating ''Candice'' is incorrect. Please note the correct e-mail address is: Candace.M.Thomas@usace.army.mil

FOR FURTHER INFORMATION CONTACT: For further information, please refer to the remaining material contained in the point of contact caption of the original notice.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–9819 Filed 4–19–99; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearing and Availability of the Draft Environmental Impact Statement (DEIS) for Disposal and Reuse of Naval Air Station (NAS) Agana, Guam

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy has prepared and filed with the U.S. Environmental Protection Agency a DEIS for disposal and reuse of NAS Agana, Guam. A public hearing will be held for the purpose of receiving oral and written comments on the DEIS. Federal, Government of Guam agencies, and interested individuals are invited to be present at the hearing.

DATES: The meeting will be held on May 13, 1999, at 7:00 p.m.

ADDRESSES: San Vicente/San Roke Catholic Church, 229 San Roke Street, Barrigada, Guam 96913.

FOR FURTHER INFORMATION CONTACT: Mr. John Bigay (PLN231JB), Pacific Division, Naval Facilities Engineering Command, 258 Makalapa Drive, Suite 100, Pearl Harbor, HI 96860–3134, telephone (808) 471–9338, facsimile (808) 474–5909.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), the Department of the Navy (Navy) and its cooperating agency, the Federal Aviation Administration (FAA), have prepared and filed with the U.S. Environmental Protection Agency (EPA) the DEIS for Disposal and Reuse of NAS Agana, Guam. A public hearing will be held for the purpose of receiving oral and written comments on the DEIS. Federal and Government of Guam agencies, as well as interested individuals and organizations are invited to be present or represented at the hearing.

A Notice of Intent (NOI) to prepare the DEIS was published in the **Federal Register** on January 22, 1996 (61 FR 14). A public scoping meeting announcement was published on January 9, 10, and 11, 1996 in the Pacific Daily News on Guam. Two public scoping meetings were held on January 24, 1996 at the Governor of Guam Cabinet Conference Room, Executive Building, Adelup, Guam. The proposed action is the disposal of surplus Navy property for subsequent reuse and redevelopment, in accordance with the 1990 Defense Base Closure and Realignment Act, and the 1993 Base Closure and Realignment Commission recommendations. 1,933 acres (782.9 hectares) have been declared surplus and are the focus of this DEIS. NAS Agana, now known as Tiyan, was operationally closed on March 31, 1995. Approximately 6.6 acres (2.7 hectares) of the total 2,031.6 acres (822.2 hectares) of land at NAS Agana are being transferred to other federal agencies. The former officer housing site consisting of 92 acres (37.3 hectares) was not included in the 1993 base closure for NAS Agana, however it was later included as part of a 1995 base closure action and is proposed for disposal under a separate disposal action.

The DEIS evaluates four reuse alternatives, each emphasizing various types of development, e.g., commercial, industrial, open space/recreation, etc. All four reuse alternatives incorporate a master plan for expansion of the A. B. Won Pat Guam International Airport, which occupies most of the station. The reuse alternatives also include roadway improvements, provision of a site for use by the homeless, and transfer of easements to the Guam International Airport Authority. A fifth alternative, no action, assumes no disposal of property and retention of the station by Navy in caretaker status. Under the No Action alternative, civilian airport operations would continue under a joint use agreement, but there would be no airport expansion and no onsite roadway improvements. Current leases of other property on the station to the Government of Guam would continue until their expiration.

The base reuse plan recommended by the Komitea Para Tiyan, a committee appointed by the Local Redevelopment Authority, was approved by the Governor of Guam. It includes the preferred reuse alternative of the Government of Guam and Navy. This plan consists of the following major elements: airport expansion including runway and taxiway extensions with an additional full-length parallel taxiway, and development of cargo, maintenance, and other facilities; onsite roadways to provide access to new developments and improve regional circulation; and redevelopment of land not used for airport operations that emphasizes

commercial and industrial uses. No decision on the proposed action will be made until the NEPA process has been completed. Potential impacts evaluated in the DEIS include, but are not limited to: water quality; terrestrial biota and habitats; aircraft noise; land use compatibility; traffic, infrastructure; air quality; socioeconomics; public health and safety; cultural resources; and environmental contamination. With two exceptions, all potentially significant impacts under all of the reuse alternatives can be mitigated to nonsignificant levels. Potentially significant but mitigable impacts include: future aircraft noise impacts on certain residential areas; inadequate infrastructure to support redevelopment; possible future impacts due to aircraft emissions; increase in demand for police and fire protection; and effects on an archaeological site eligible for listing on the National Register of Historic Places. The two exceptions are aircraft noise impacts on proposed housing in reuse areas north of the airport under one alternative (not the preferred alternative) and traffic impacts at two key intersections. For the noise impacts, no mitigation is available except to revise the land use plan. Predicted traffic volumes at the two intersections would exceed capacity even with mitigation.

The DEIS has been distributed to affected federal and Government of Guam agencies and other interested parties. In addition, copies of the DEIS are available for review at the Guam Public Library branches in the communities of Agana, Barrigada and Dededo.

A public hearing will be held to inform the public of the DEIS findings and to solicit and receive oral and written comments. The hearing will be held at 7:00 p.m. on May 13, 1999, at San Vicente/San Roke Catholic Church Social Hall, 229 San Roke Street, Barrigada, Guam. Government agencies and interested parties are invited to be present at the hearing. Oral comments will be heard and transcribed by a court recorder; written comments are also requested to ensure accuracy of the record. All comments, both oral and written, will become part of the official record. In the interest of available time, each speaker will be asked to limit oral comments to three minutes. Longer comments should be summarized at the public hearing and submitted in writing either at the hearing or mailed to Mr. John Bigay at the address given above. Written comments are requested not later than May 24, 1999.

Dated: April 19, 1999.

Ralph W. Corey,

Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Liaison Officer.

[FR Doc. 99–9891 Filed 4–19–99; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities National Programs—Federal Activities—State and Regional Coalition Grant Competition To Prevent High-Risk Drinking Among College Students

AGENCY: Department of Education.

ACTION: Notice of proposed priority, eligible applicants, and selection criteria for fiscal year 1999 and subsequent years.

SUMMARY: The Secretary announces a proposed priority, eligible applicants, and selection criteria for fiscal year (FY) 1999 and, at the discretion of the Secretary, for subsequent years under the Safe and Drug-Free Schools and Communities National Programs—Federal Activities— State and Regional Coalition Grant Competition to Prevent High-Risk Drinking Among College Students. The Secretary takes this action to focus Federal financial assistance on an identified national need. This competition seeks to reduce and prevent high-risk drinking among college students by funding State or regional coalitions for a two-year period to bring together institutions of higher education (IHEs) to share ideas and develop, implement, and evaluate collaborative strategies.

Invitation to Comment: Interested persons are invited to submit comments and recommendations regarding this proposed priority. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 3E222, 400 Maryland Avenue, SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

On request the Department supplies an appropriate aid, such as a reader or print magnifier, to an individual with a disability that needs assistance to review the comments. An individual with a disability who wants to schedule an appointment for this type of aid may call (202) 205–8113 or (202) 260–9895. An individual who uses a TDD may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

DATES: Comments must be received by the Department on or before May 20, 1999.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Kimberly Light, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3E222, Washington, DC 20202–6123. Comments may be sent through the Internet: *comments@ed.gov* You must include the term ''Alcohol, Other Drug, and Violence Prevention for IHEs'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Kimberly Light, (202) 260–2647. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed above.

Note: This notice of proposed priorities does not solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrent with or following the publication of the notice of final priorities.

SUPPLEMENTARY INFORMATION: High-risk drinking, including ''binge'' drinking, continues to affect the health, learning, and safety of college students. Excessive use of alcohol has resulted in deaths, serious injuries, vandalism, and sexual assault on college campuses. There is strong evidence that environmental factors, including alcohol availability, high-risk alcohol use norms, and the restrictiveness of State drunk driving laws, play a major role in student alcohol use. Different IHEs may have high-risk drinking problems that are affected by similar environmental concerns; therefore, developing partnerships with other IHEs can provide a forum to develop common solutions as well as a mechanism to create the ''critical mass'' of concerned stakeholders needed to influence broader environmental changes. The recent development of a number of IHE coalitions across the country suggests that such partnerships may be an effective method for IHEs with common environmental concerns to build local capacity to address high-risk drinking within their campus-communities. In addition, these efforts can have an impact within a larger community context, such as geographic regions within States (e.g., a large metropolitan area), similar institutions within States (e.g., all public universities), or institutions in States that share common borders. This competition seeks to

encourage these collaborative efforts and evaluate their effectiveness so that other IHEs may adopt effective strategies.

Absolute Priority: Under 34 CFR 75.105(c)(3) and the Safe and Drug-Free Schools and Communities Act of 1994, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition *only* applications that meet the following absolute priority:

Implement and Evaluate the Impact of a State or Regional Coalition to Develop Strategies for Reducing and Preventing High-Risk Drinking Among College Students

Applicants proposing a project under this priority must:

(1) Propose to expand an existing or establish a new State or regional coalition of IHEs and other relevant organizations that includes key stakeholders who will have an impact on the development and implementation of State, local, and campus policies and programs to reduce and prevent high-risk drinking;

(2) Explain how coalition members will work together on a regular basis, including meeting to discuss common problems and share effective strategies;

(3) Use community collaboration prevention approaches, including involvement of students, that research or evaluation has shown to be effective in preventing or reducing high-risk drinking;

(4) Use a qualified evaluator to design and implement an evaluation of the project using outcomes-based (summative) performance indicators in addition to process (formative) measures that documents strategies used and measures the effectiveness of the coalition;

(5) Demonstrate the ability to start the project within 60 days after receiving Federal funding in order to maximize the time available to show impact within the grant period; and (6) Share information about their projects with the Department of Education or its agents.

Eligible Applicants

Eligible applicants under this competition are IHEs and consortia of IHEs, and other public and private nonprofit organizations.

Selection Criteria

The following selection criteria will be used to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion or factor under that criterion is indicated in parentheses.

(1) *Need for project* (15 points).

In determining the need for the proposed project, the following factors are considered:

(a) The magnitude or severity of the problem to be addressed by the proposed project. (10 points)

(b) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (5 points)

(2) *Significance* (14 points).

In determining the significance of the proposed project, the following factors are considered:

(a) The likelihood that the proposed project will result in system change or improvement. (10 points)

(b) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings. (4 points)

(3) *Quality of the project design* (15 points).

In determining the quality of the design of the proposed project, the following factors are considered:

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (4 points)

(b) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice. (6 points)

(c) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance. (5 points)

(4) *Quality of the project personnel* (15 points).

In determining the quality of project personnel, the following factors are considered:

(a) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (3 points)

(b) The qualifications, including relevant training and experience, of key project personnel. (12 points)

(5) *Adequacy of resources* (16 points).

In determining the adequacy of resources for the proposed project, the following factors are considered:

(a) The relevance and demonstrated commitment of each partner in the proposed project the implementation and success of the project. (8 points)

(b) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits. (4 points)

(c) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support. (4 points)

(6) *Quality of the management plan* (14 points).

In determining the quality of the management plan for the proposed project, the following factors are considered:

(a) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of students, faculty, parents, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate. (10 points)

(b) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (4 points)

(7) *Quality of the project evaluation* (11 points).

In determining the quality of the evaluation, the following factors are considered:

(a) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives and outcomes of the proposed project. (4 points)

(b) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (3 points)

(c) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (4 points)

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the pdf you must have the Adobe Acrobat Reader Program with Search,

which is available free at either of the preceding sites. If you have questions about using the pdf, call the U.S. Government Printing officer toll free at 1–888–293–6498.

Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 7131.

Dated: April 16, 1999.

(Catalog of Federal Domestic Assistance Number 84.184H Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities National Programs—Federal Activities —State and Regional Coalition Grant Competition to Prevent High-Risk Drinking Among College Students)

Judith Johnson,

Acting Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 99–10025 Filed 4–19–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Delivery of the Canadian Entitlement

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of availability of Record of Decision (ROD).

SUMMARY: The Administrator and Chief Executive Officer of BPA, acting for BPA, and, as Chair of the United States Entity (which is the Administrator of BPA and the Division Engineer, North Pacific Division of the United States Army Corps of Engineers), acting for the United States Entity, has decided to supplement an earlier decision regarding the Canadian Entitlement. The decision is to enter into an agreement to enable disposal of the Canadian Entitlement directly in the United States. The Canadian Entitlement, established in the Columbia River Treaty of 1964, is the portion (one-half) of the downstream power benefits from three storage dams in Canada that is owed to Canada.

ADDRESSES: Copies of the documents discussed below are available from BPA's Public Information Office, P.O. Box 12999, Portland, Oregon 97212. They may also be obtained by calling BPA's toll-free document request line: 1–800–622–4520. The documents are: Delivery of the Canadian Entitlement Environmental Impact Statement (EIS) of January 1996, the March 1996 ROD, the November 1996 ROD, and the Supplement to the November 1996 ROD described in this notice.

SUPPLEMENTARY INFORMATION: The United States Entity (which is responsible for representing United States interests pursuant to the Columbia River Treaty) issued a Delivery of the Canadian Entitlement ROD on November 8, 1996. The ROD was based on the Delivery of the Canadian Entitlement EIS (DOE/EIS–0197, issued in January 1996). The November 1996 ROD announced the United States Entity decision to fulfill its obligation under the Columbia River Treaty between Canada and the United States of America by delivering the full Canadian Entitlement at existing transmission interconnections between the United States and Canada near Blaine, Washington, and Nelway, British Columbia. The November 1996 ROD also replaced an earlier March 12, 1996, ROD.

The November 1996 ROD did not address delivery of the Canadian Entitlement in the United States. It did, however, note that: ''If the United States and Canadian Entities propose delivery in the United States, the United States Entity will review the Delivery of the Canadian Entitlement EIS to ensure that the impacts are adequately analyzed. A decision to dispose of the Entitlement in the United States would be the subject of an additional United States Entity ROD.''

The Federal governments of Canada and the United States have exchanged diplomatic notes, as provided in the Columbia River Treaty, to permit disposal of all or part of the Canadian Entitlement directly in the United States. BPA and the Province of British Columbia have reached agreement on the terms and conditions of the disposal. The Administrator and Chief Executive Officer of BPA, as Administrator and also as Chair of the United States Entity, has decided to enter into an agreement to enable disposal of the Canadian Entitlement directly in the United States. As a result, the United States Entity is supplementing the November 1996 ROD to recognize the decision to enable disposal of the Canadian Entitlement in the United States through September 15, 2024, as well as delivery at Blaine and Nelway.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine Semple Pierce—KECP, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, phone number (503) 230–3962, fax number (503) 230–4089.

Issued in Portland, Oregon, on March 31, 1999.

Judith A. Johansen,

Administrator and Chief Executive Officer, Bonneville Power Administration, and Chair, United States Entity.

[FR Doc. 99–9886 Filed 4–19–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–262–001]

Algonquin Gas Transmission Company; Notice of Compliance Filing

April 14, 1999.

Take notice that on April 9, 1999, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets to become effective May 1, 1999:

Fourth Revised Volume No. 1

First Revised Sheet No. 102
Fourth Revised Sheet No. 103
First Revised Sheet No. 116
Fourth Revised Sheet No. 118
First Revised Sheet No. 136
Fourth Revised Sheet No. 137
First Revised Sheet No. 153
Fourth Revised Sheet No. 154

Original Volume No. 2

Twelfth Revised Sheet No. 343

Algonquin asserts that the purpose of this filing is to comply with the Joint Stipulation and Agreement filed on March 4, 1999 in Docket No. RP99–262–000 and approved by the Commission's letter order issued April 1, 1999.

Algonquin states that the filing revises its FERC Gas Tariff to implement Article II of the Joint Stipulation and Agreement regarding expanded secondary MATQ rights and to fulfill the commitment made in its Initial Comments on the Joint Stipulation and Agreement filed on March 12, 1999 to reduce rates for Rate Schedule X–37 as of May 1, 1999.

Algonquin states that copies of the filing were mailed to all parties on the service list in this proceeding and all other affected customers of Algonquin and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests

will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9809 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–005]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

April 14, 1999.

Take notice that on April 9, 1999, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing to the Federal Energy Regulatory Commission (Commission) the following contract for disclosure of a recently negotiated rate transaction:

FTS–2 Service Agreement No. 63490 between Columbia Gulf Transmission Company and Entergy Louisiana Inc., dated April 6, 1999.

Columbia Gulf requests an effective date of June 1, 1999 for this negotiated rate agreement.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9808 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR99–5–000]

Dow Pipeline Company; Notice of Petition for Rate Approval

April 14, 1999.

Take notice that on December 1, 1998, Dow Pipeline Company (Dow Pipeline) filed, pursuant to Section 284.123(b)(2) of the Commission's Regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of $0.048 per MMBtu, plus 0.7% in-kind fuel reimbursement, for interruptible transportation services performed under Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). Dow Pipeline's mailing address is P.O. Box 4286, Houston, Texas 77210.

Dow Pipeline's petition states it is an intrastate pipeline within the meaning of Section 2(16) of the NGPA. Dow Pipeline provides interruptible transportation service pursuant to Section 311(a)(2) of the NGPA through its facilities located in Wharton, Fort Bend, Brazoria, Whaller, and Matagorda Counties, Texas. This petition is intended to establish a new system-wide maximum transportation rate for Section 311(a)(2) service, and is filed pursuant to the terms of the Stipulation and Agreement of Settlement filed June 27, 1996, in Docket No. PR96–5–000, which required Dow Pipeline to file an application on or before December 1, 1998, to justify its current rate or to establish a new system-wide rate. Dow Pipeline proposes an effective date of December 1, 1998.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Washington, DC 20426 in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such motions and protests should be filed on or before April 20, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9807 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–295–000]

Iroquois Gas Transmission System, L.P.; Notice of Request Under Blanket Authorization

April 14, 1999.

Take notice that on April 9, 1999, Iroquois Gas Transmission System, L.P. (Iroquois) One Corporate Drive, Suite 600, Shelton, Connecticut 06484, filed in Docket No. CP99–295–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a new sales tap on its system on behalf of Niagara Mohawk Power Corporation (NiMo), under Iroquois blanket certificate issued in Docket No. CP98–634–000, et al., pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Iroquois proposes to construct and operate a sales tap at the request of NiMo, a local distribution company located in New York State. Iroquois states the proposed in-service date of the sales tap is November 1, 1999. Iroquois states the sales tap would be located at Mile Post 106.46, in the Town of Boonville, New York and would be used to provide NiMo with a new primary delivery point. Iroquois states that Iroquois and NiMo have entered into an amendment of their existing firm transportation agreement providing that Boonville will become the primary delivery point for 835 Dth/day of firm service as of November 1, 1999. Iroquois states that this amount will increase to 2,500 Dth/day of firm service by November 1, 2002, and that there will be no change in the amount of NiMo's current firm contract quantity. Iroquois states the cost of Iroquois' facilities is estimated to be not greater than $150,000, and that those costs will be reimbursed to Iroquois by NiMo.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9805 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–294–000]

Panhandle Eastern Pipe Line Company; Notice of Request Under Blanket Authorization

April 14, 1999.

Take notice that on April 9, 1999, Panhandle Eastern Pipe Line Company (Panhandle) P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP99–294–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212). Panhandle filed for authorization to modify the Illinois Power Company Mt. Auburn M&R Station, an existing delivery point located in Christian County, Illinois, to permit increased deliveries, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

Panhandle asserts that the upgrade is relatively minor and will increase the maximum design capacity of the Mt. Auburn meter station from approximately 7,000 Dt per day to approximately 12,000 Dt per day. Panhandle estimates the cost of the upgrade to be $130,700, of which amount, Illinois Power will reimburse Panhandle 100%.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–9812 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–296–000]

Reliant Energy Gas Transmission Company; Notice of Request Under Blanket Authorization

April 14, 1999.

Take notice that on April 12, 1999, Reliant Energy Gas Transmission Company (REGT), 1111 Louisiana, Houston, Texas 77002–5231, filed in Docket No. CP99–296–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon certain facilities in Oklahoma under REGT's blanket certificate issued in Docket No. CP82–384–000 and CP82–384–001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

REGT specifically proposes to abandon an inactive 1-inch delivery tap and 1-inch U-shape meter station on REGT's Line 2–H in Section 9, Township 18 North, Range 12 West, Blaine County, Oklahoma formerly serving Reliant Energy, Arkla, a distribution division of Reliant Energy Incorporated (Arkla). Arkla has agreed to the abandonment of this tap formerly serving its Rural Extension 988. The tap will be abandoned in place and the metering facilities will be removed. All construction will occur above ground.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–9813 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–293–000]

Texas Eastern Transmission Corporation; Notice of Request Under Blanket Authorization

April 14, 1999.

Take notice that on April 9, 1999, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056–5310, filed in Docket No. CP99–293–000 a request pursuant to sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct, own, and operate a delivery point in Hidalgo County, Texas so that Texas Eastern may provide natural gas deliveries to National Energy & Trade, L.L.C. (National Energy) under Texas Eastern's blanket certificate issued in Docket No. CP82–535–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Texas Eastern proposes to construct and install an 8-inch side valve and 8-inch insulating flange (Tap), at approximately Mile Post 3.87 in Hidalgo County, Texas. Texas Eastern states that

National Energy will install, or cause to be installed a single 8-inch orifice meter run plus associated piping (Meter Station), approximately 25 feet of 8-inch pipeline which will extend from the meter station to the tap (Connecting Pipe), and electronic gas measurement equipment (EGM).

Texas Eastern states that the transportation service to be rendered through the delivery point will have no effect on Texas Eastern's peak day or annual deliveries and that its proposal will be accomplished without detriment or disadvantage to Texas Eastern's other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–9811 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–7–29–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

April 14, 1999.

Take notice that on April 8, 1999, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, certain revised tariff sheets on Appendix A attached to the filing.

Transco states that the purpose of the instant filing is to track (1) rate and fuel changes attributable to transportation service purchased from CNG Transmission Corporation (CNG) under its Rate Schedule X–74 the costs of which are included in the rates and charges payable under Transco's Rate Schedule FT–NT, and (2) rate changes attributable to storage service purchased from CNG under its Rate Schedule GSS the costs of which are included in the rates and charges payable under Transco's Rate Schedules GSS and LSS. The filing is being made pursuant to tracking provisions under Sections 4 of Transco's Rate Schedules FT–NT and LSS, and Section 3 of Transco's Rate Schedule GSS.

Transco states that included in Appendices B and C attached to the filing are the explanations of the rate and fuel changes and details regarding the computation of the revised Rate Schedule FT–NT, GSS and LSS rates and fuel percentages.

Transco states that copies of the filing are being mailed to each of its FT–NT, GSS and LSS customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9810 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4515–014]

Eric R. Jacobson; Notice of Availability of Draft Environmental Assessment and Soliciting Comments

April 14, 1999.

A draft environmental assessment (DEA) is available for public review. The DEA is for an amendment of license for the unconstructed Jacobson Hydro No. 1 Project (FERC No. 4515). Specifically, the licensee proposes to move the project's powerhouse upstream to the project dam and reduce the project's installed generating capacity. The DEA finds that the proposed revocation would not constitute a major federal action significantly affecting the quality of the human environment. The Jacobson Hydro No. 1 Project is located on the Colorado River near the City of Palisade, Mesa County, Colorado.

The DEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the DEA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, NE, Washington, DC 20426. Copies can also be obtained by calling the project manager, Bob Fletcher at (202) 219–1206 or viewed on the web at http://www.ferc.fed.us/online/rims.htm. Please call (202) 208–2222 for assistance.

Please submit any comments on the DEA within 60 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation. Comments should be addressed to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Please affix Project No. 4515–014 to all comments.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–9806 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL99–2–000]

Anticipated Demand for Natural Gas in the Northeastern United States; Notice of Public Conference

April 14, 1999.

Take notice that the Federal Energy Regulatory Commission will convene a public conference on June 7, 1999, to conduct an inquiry into anticipated natural gas demand projections in the northeastern United States over the next 10 to 20 years.[1]

Currently, there are numerous, varying projections concerning the growth of natural gas markets in the Eastern United States. These projections, however, do not shed light on the impact this potential growth will

[1] For purposes of the conference, this includes those States lying east of the Mississippi River and north of Tennessee and North Carolina.

have on existing pipelines. Thus, the Commission believes that it is important to examine these projections and to understand more about the assumptions, data sources, and perspectives upon which these growth forecasts are based.

To this end, the Commission is interested in hearing all views concerning growth projections in natural gas markets in the northeastern United States over the next one to two decades and how these projections correlate to existing pipeline capacity. The Commission is also interested in learning when this increase in demand will occur. Will growth occur at varying rates over the next five, ten, or twenty years? Will the projected demand occur during a certain time of the year, *e.g.*, during the winter when pipeline use is at its peak (mainly heating); off peak periods when capacity is more readily available (mainly air conditioning); or year-round? The Commission would like to explore the assumptions that underlie these projections.

In addition, the Commission is interested in hearing forecasts concerning the type of growth that is anticipated. Specifically, the Commission is interested in determining if the contemplated growth will serve electric generation facilities, residential customers, industrial concerns, other consumers, or some combination thereof.

As a secondary matter, the Commission wishes to be informed about the effect projected growth will have on existing capacity. For example, where, when, and how much existing capacity is currently available? If the projected growth takes place as forecast, where will excess capacity exist in the future? How often will existing facilities be constrained? Are existing pipeline systems being effectively used? Is it possible to increase the utilization of existing systems? Will the projected growth materialize in the form of firm or interruptible demand for capacity? How much capacity will be available through releases? How much capacity will be available through turn backs? What conclusions can be reached concerning how much new capacity may be required, within what time frame, and in what regions?

The conference will be held at the offices of the Federal Energy Regulatory Commission, in the Commission Meeting Room, 888 First Street, NE, Washington, DC 20426.

The Commission seeks the views of the public and all segments of the energy industry. Any person who wishes to participate in the conference should submit a written request to the Secretary of the Commission by May 10, 1999. The request should indicate the scope of the participants' planned remarks. Speakers that have audio/visual requirements should contact Wanda Washington at (202) 208–1460.

Any written comments may be filed within 15 days after the conference.

The Capitol Connection will broadcast live the audio from the public conference on its wireless cable system in the Washington, DC area. If there is sufficient interest from those outside the Washington, DC metropolitan area, the Capitol Connection may broadcast the conference live via satellite for a fee. Persons interested in receiving the audio broadcast, or who need more information, should contact Shirley Al-Jarnai or Julia Morelli at the Capitol Connection at (703) 993–3100, no later than May 22, 1999.

In addition, National Narrowcast Networks' Hearing-On-The-Line service covers all FERC meetings live by telephone. Call (202) 966–2211 for details. Billing is based on time on-line.

All questions concerning the format of the conference should be directed to: Joel Arneson, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426, (202) 208–2169.

By direction of the Commission. Commissioner Breathitt concurred with a separate statement attached.

David P. Boergers,

Secretary.

Breathitt, Commissioner, Concurring

I agree with the majority that an inquiry into the anticipated demand for natural gas will provide valuable insight into the development of a rational certificates policy. As the notice highlights, there are numerous, varying projections concerning the growth of natural gas markets. An exploration of the assumptions underlying these projections will add clarity to the Commission's analyses. I also believe the questions posed in the notice will elicit an informative discussion about natural gas markets. While I support the idea of an inquiry into demand for natural gas, I wish to make several points with respect to my views about the conference.

First, I would have preferred that the scope of the conference be much broader. I believe that limiting the conference to the Northeast fails to recognize a fundamental change that is taking place in the natural gas industry as a result of the issuance of Order No. 636 in 1992. One of the primary goals of pipeline restructuring was to promote policies supporting the creation of a national natural gas pipeline grid. The Commission's efforts in that regard continue to be successful, not in small part due to our capacity release rules, and due to the participation of marketers as holders of interstate pipeline capacity.

For us to restrict this conference to the Northeast does not recognize the fact that in today's dynamic natural gas market, changes in capacity serving one region may affect pipeline operations in another region of the country. New pipeline capacity in the Northeast could result in changes in the utilization of the systems that now feed that region—pipelines, say, that originate in the Gulf Coast. For example, capacity utilization of those pipelines could be reduced as a result of such expansions. The value and use of capacity release also could be affected. I believe that broadening the scope of the conference would have enabled the Commission to look at any ''ripple effect'' that expansion of the grid anywhere—not just in the Northeast—could cause in today's marketplace.

Furthermore, I believe that the majority's approach of limiting the scope of the conference to the Northeast fails to recognize the fact that other regions of the country are also expected to experience substantial growth in the demand for natural gas. Certificate filings that are pending before the Commission and reports in the trade press indicate to me that projected demand for natural gas in the Mid-Atlantic and Southeast regions warrant an equal examination by the Commission.

Finally, I question the timing and the forum that have been chosen for this inquiry. I do not believe that the Commission has reached a consensus concerning the ultimate goals of this conference. Before establishing a public conference, I would have preferred the Commission to have had a meeting of the minds on our specific objectives for building a record, and a mutual understanding of how we would want such a record to be used. I don't believe the Commission has a unified sense of how this conference fits in with other generic and case-specific proceedings currently before us. However, I am supporting this inquiry to the extent it will provide at least a piece of the puzzle about the future demand for natural gas.

Linda K. Breathitt,

Commissioner.

[FR Doc. 99–9846 Filed 4–19–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6328–5]

Agency Information Collection Activities: Continuing Collection; Comment Request, EPA's Transportation Partners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB):

EPA's Transportation Partners Program, EPA ICR No. 1818.01, OMB Control No. 2010–0028, expiration date 8/31/99. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 21, 1999.

ADDRESSES: Transportation Partners, US Environmental Protection Agency, 401 M Street SW, Mailcode 2126, Washington, DC 20460. Interested persons may obtain a copy of the ICR without charge by calling 202–260–5447 or via the internet at http://www.epa.gov/tp/tpicr.pdf.

FOR FURTHER INFORMATION CONTACT: Catherine Preston. Telephone: 202–260–5447. Fax: 202–260–0512. Email: preston.catherine@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action may include local and suburban transit providers, business associations, civic organizations, air and water resource and solid waste management agencies, local and regional government agencies and other transportation-related organizations. Additionally, EPA expects to enroll private businesses from a wide range of industries in the Transportation Partners program.

Title: EPA's Transportation Partners Program (OMB Control No. 2010–0028, EPA ICR No. 1818.01) expiring 8/31/99.

Abstract: The Transportation Partners program is a new, cooperative, voluntary program that seeks to reduce the growth of vehicle miles traveled (VMT) through the adoption of measures that provide or promote the use of non-single occupancy vehicle transportation choices for citizens. As part of the Climate Change Action Plan, Transportation Partners will play an important role in the nation's commitment to reduce U.S. greenhouse gas emissions.

The Transportation Partners program is designed to work around two types of members: Principal Partners and Project Partners. Principal Partners have substantive areas of expertise and will provide direct assistance to VMT-reducing projects across the country. Project Partners, on the other hand, administer the individual programs and actions designed to reduce VMT. Local governments, regional governments, local non-governmental organizations, and private businesses may become Project Partners.

As voluntary participants in the Transportation Partners program, Project Partners may be asked to complete an annual Partner Profile that requests general project information. Project-related information requested may include background data about the sponsoring entity, a description (and, to the extent possible, quantification) of project effects on travel, other project effects, and comments regarding program participation and technical assistance. As EPA may request additional information from the Project Partners about their projects, organizations may be requested to periodically submit supplementary information to the Agency.

In addition, EPA sponsors the Way to Go! Awards, which honor local innovators who are enhancing their communities and the environment through transportation improvements. Project Partners will receive an application for the Way to Go! awards. Some Project Partners may choose to complete and submit the application to EPA. The application asks for the following information: the name and focus of the project; a description of project management; a description of the end user(s) of the project; and a project summary and narrative.

Principal Partners have a number of responsibilities, which include: First, they will provide EPA with contact lists of prospective Project Partners. Second, they will disseminate information to partners. Third, Principal Partners will review, sign, and forward Project Partner agreements to EPA. Fourth, Principal Partners will assist EPA in reviewing and compiling Partner Profiles and supplemental information from Project Partners.

Participation in the Transportation Partners program is voluntary. If requested, EPA will treat information as confidential business information and will not make the partner-specific information collected under the program available to the general public, unless the partner's approval is obtained.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 11.7 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Michael Shelby,

Director, Energy and Transportation Sectors Division.

[FR Doc. 99–9870 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6329–4]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Information Collection Request for the Water Quality Standards Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Information Collection Request for the Water Quality Standards Regulation, EPA ICR # 988.07; OMB Control #2040–0049; Expiration Date: June 30, 1999. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 20, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epamail.epa.gov, or download a copy of the ICR off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 988.07.

SUPPLEMENTARY INFORMATION:

Title: Information Collection Request for the Water Quality Standards Regulation, OMB Control #2040–0049; EPA ICR No. 988.07; expiring on June 30, 1999. This is a request for extension of a currently approved collection.

Abstract: Water Quality Standards (WQS) are provisions of State, Tribal, and Federal law which consist of designated uses for waters of the United States, numeric or narrative water quality criteria to protect the designated uses, and an antidegradation policy to protect existing uses and high quality waters. States are required by Federal law to establish water quality standards. Clean Water Act Section 303(c) requires States and certain Indian Tribes (those Tribes that have received EPA authorization to administer the water quality standards program and have had their water quality standards approved by EPA) to review and, if appropriate, revise their water quality standards regulations once every three years and to submit to EPA the results of the review. EPA then reviews each State and Tribal submission for approval or disapproval.

The WQS Regulation (40 CFR part 131) is the EPA regulation governing the implementation of the water quality standards program. The WQS Regulation describes requirements and procedures for the States and Tribes to develop, review, and revise their water quality standards, and EPA procedures for reviewing and approving the water quality standards. Additionally, the regulation specifies information that an Indian Tribe must submit to EPA in order to determine whether a Tribe is qualified to administer the WQS Program. Finally, the WQS Regulation describes a dispute resolution mechanism that will assist in resolving disputes that arise between States and Tribes over water quality standards on common waterbodies.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 11/30/98 (63 FR 65776); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2293 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State and Tribal governments.

Estimated Number of Respondents: 83.

Frequency of Response: once every three years for water quality standards submittal to EPA; once per Tribal application for the water quality standards program; once per dispute resolution request.

Estimated Total Annual Hour Burden: 190,336 hours.

Estimated Total Annualized Cost Burden (O&M and capital/startup costs only): $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 988.07 and OMB Control No. 2040–0049 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: April 14, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99–9873 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6328–9]

Effluent Guidelines Task Force Open Meeting

AGENCY: Environmental Protection Agency.

ACTION: Correction, announcement of meeting.

SUMMARY: The Effluent Guidelines Task Force public meeting notice was published on April 5, 1999, at 64 FR 16449. Today's notice changes the meeting location to the DoubleTree Hotel—National Airport, 300 Army Navy Drive, Arlington, Virginia. The meeting is open to the public.

DATES: The meeting will be held on Tuesday, May 4, 1999 from 9:00 a.m. to 5:00 p.m., and Wednesday, May 5, 1999 from 8:30 a.m. to 3:00 p.m.

ADDRESSES: The meeting will take place at the DoubleTree Hotel—National Airport, 300 Army Navy Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Beverly Randolph, Office of Water (4303), 401 M Street, SW, Washington, D.C. 20460; telephone (202) 260–5373; fax (202) 260–7185.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act

(Pub. L. 92–463), the Environmental Protection Agency gives notice of a meeting of the Effluent Guidelines Task Force (EGTF). The EGTF is a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT), the external policy advisory board to the Administrator of EPA.

The EGTF was established in July of 1992 to advise EPA on the Effluent Guidelines Program, which develops regulations for dischargers of industrial wastewater pursuant to Title III of the Clean Water Act (33 U.S.C. 1251 *et seq.*). The Task Force consists of members appointed by EPA from industry, citizen groups, state and local government, the academic and scientific communities, and EPA regional offices. The Task Force was created to offer advice to the Administrator on the long-term strategy for the effluent guidelines program, and particularly to provide recommendations on a process for expediting the promulgation of effluent guidelines. The Task Force generally does not discuss specific effluent guideline regulations currently under development.

The meeting is open to the public, and limited seating for the public is available on a first-come, first-served basis. The public may submit written comments to the Task Force regarding improvements to the Effluent Guidelines program. Comments should be sent to Beverly Randolph at the above address. Comments submitted by April 23, 1999 will be considered by the Task Force at or subsequent to the meeting.

Dated: April 14, 1999.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 99–9871 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30475; FRL–6072–9]

Certain Companies; Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by May 20, 1999.

ADDRESSES: By mail, submit written comments identified by the document control number [OPP–30475] and the file symbols to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under ''SUPPLEMENTARY INFORMATION.'' No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), listed in the table below:

Regulatory Action Leader	Office location/telephone number	Address
Judy Loranger	Rm. 910W24, CM #2, 703–308–8056, e-mail: loranger.judy@epamail.epa.gov.	1921 Jefferson Davis Hwy, Arlington, VA
Shanaz Bacchus	Rm. 902W34, CM #2, 703–308–8097, e-mail: bacchus.shanaz@epamail.epa.gov.	Do.
Willie Nelson	Rm. 942W42, CM #2, 703–308–8682, e-mail: nelson.willie@epamail.epa.gov.	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 72098–U. Applicant: Taensa, Inc., 26 Sherman Court, P.O. Box 764, Fairfield, CT 06430. Product Name: BeetleBall Technical. Insecticide. Active ingredient: 4-Allyl anisole (Estragole) at 98%. Proposed classification/Use: None. For manufacturing purposes only. (J. Loranger)

2. File Symbol: 72098–E. Applicant: Taensa, Inc. Product Name: BeetleBall MP. Insecticide. Active ingredient: 4-Allyl anisole (Estragole) at 47.0%. Proposed classification/Use: None. For manufacturing purposes only. (J. Loranger)

3. File Symbol: 72098–G. Applicant: Taensa, Inc. Product Name: BeetleBall PaintBall. Insecticide. Active ingredient: 4-Allyl anisole (Estragole) at 39.1%. Proposed classification/Use: None. For management and prevention of Southern Pine Beetle infestations. (J. Loranger)

4. File Symbol: 72098–R. Applicant: Taensa, Inc. Product Name: BeetleBall Microencap. Insecticide. Active ingredient: 4-Allyl anisole (Estragole) at 20.0%. Proposed classification/Use: None. For management and prevention of Southern Pine Beetle infestations. (J. Loranger)

5. File Symbol: 11678–LA. Applicant: Makhteshim-Agan of North America, Inc., 551 Fifth Ave., Suite 1100, New York, NY 10176. Product Name: Trichodex. Fungicide. Active ingredient: *Trichoderma harzianum* strain T-39. Proposed classification/Use: None. For use on all agricultural crops. (S. Bacchus)

6. File Symbol: 56261–E. Applicant: Phero Tech Inc., 7572 Progress Way, Delta, B.C. V4G 1E9 Canada. Product Name: MCH Bubble Cap. Repellent pheromone. Active ingredient: 3-Methyl-2-cyclohexene-1-one at 2.1.%. Proposed classification/Use: None. For use to prevent infestations of the Douglas-Fir and the Spruce by the

Douglas-Fir Beetle and by the Spruce Beetle respectively. (W. Nelson)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

II. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this notice under docket number [OPP–30475] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official notice record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–30475]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pest, Product registration.

Dated: April 1, 1999.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 99–9865 Filed 4–19–99; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Submitted to OMB for Review and Approval

April 13, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 20, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Part 76, Cable Television Service Pleading and Complaint Rules.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business and other for-profit entities; Individuals or households.

Number of Respondents: 400.

Estimated Time Per Response: 4 to 40 hours.

Frequency of Response: On occasion reporting requirements; Third Party disclosure.

Total Annual Burden: 8,800 hours.

Total Annual Costs: $1,204,000.

Needs and Uses: The procedural requirements set forth in this proceeding describe the process for filing petitions and complaints under Part 76 of the Commission's rules. This information contained in the petitions and complaints is part of the record used by the Commission in its decision-making. Without the information, the Commission would be unable to enforce its rules and would be unresponsive to entities regulated by the Commission.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–9835 Filed 4–19–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

FCC Closes on April 23, 1999

Released: April 12, 1999.

The U.S. Office of Personnel Management has issued guidance for the closing of certain federal agencies on Friday, April 23, 1999, as a result of the planned activities associated with the 50th Anniversary NATO Summit. In accordance with this guidance, the FCC will be closed on Friday, April 23, 1999. All filings, paper and electronic, due on April 23, 1999, will be accepted as timely on the next official work day.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–9833 Filed 4–19–99; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2325]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

April 13, 1999.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW, Washington, DC or may be purchased from the Commission's

copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by May 5, 1999. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Policies and Rules for Alternative Incentive Based Regulation of Comsat Corporation (IB Docket No. 98–60).

Number of Petitions Filed: 1.

Subject: Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 (CC Docket No. 96–128).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Silas,

Secretary.

[FR Doc 99–9834 Filed 4–19–99; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of Certain Receiverships by the FDIC in the Second Quarter of 1999

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: Notice is hereby given that the FDIC, for itself or as successor in interest to the Resolution Trust Corporation, in its capacity as Receiver for the Institutions set forth below (the ''Receiver'') intends to terminate these receiverships during the second calendar quarter of 1999.

FOR FURTHER INFORMATION CONTACT: Division of Resolutions and Receiverships, Terminations Section, 1–800–568–9161.

SUPPLEMENTARY INFORMATION:

Receiver-ship No.	Financial institution name	City	State
1249	Life Federal Savings Bank	Clearwater	FL
1252	Advanced Savings Bank, FSB	Northridge	CA
1254	Irving Federal Bank for Savings, FSB	Chicago	IL
1264	Goldome Savings Bank, FSB	St. Petersburg	FL
1305	Home Federal Savings Bank	Norfolk	VA
2110	Southeastern Savings Bank, Incorporated	Charlotte	NC
2202	Home Savings Association of Kansas City	Kansas City	MO
2536	Park Bank of Florida	St. Petersburg	FL
4211	Home National Bank of Milford	Milford	MA
4215	NBC Bank-Houston, N.A.	Houston	TX
4244	Capital National Bank	Bronx	NY
4254	American Bank & Trust Company	Baton Rouge	LA
4298	First National Bank of Rowlett	Rowlett	TX
4332	Coolidge Corner Co-Operative Bank	Brookline	MA
4362	University Bank, N.A.	Newton	MA
4382	Citytrust	Bridgeport	CT
4395	Suffield Bank	Suffield	CT
4398	Bank Five for Savings	Arlington	MA
4423	Community National Bank & Trust Co.	New York City	NY
4432	Merchants National Bank	Leominster	MA
4459	Broadway Bank & Trust Co.	Paterson	NJ
4475	Southstate Bank for Savings	Brockton	MA
4492	Workingmen's Co-Operative Bank	Boston	MA
4551	Burritt Interfinancial Bancorporation	New Britain	CT
4565	Jefferson National Bank	Watertown	NY
4571	College Boulevard National Bank	Overland Park	KS
4583	Capital Bank of California	Los Angeles	CA
4614	Commerce Bank	Newport Beach	CA
4618	Ludlow Savings Bank	Ludlow	MA
4623	Founders Bank	New Haven	CT
4626	Peoples Bank and Trust	Borger	TX
4628	Fairfield First Bank & Trust Co.	Southport	CT
5963	First Service Bank for Savings	Leominster	MA
6543	Citizens State Bank of Fulda	Fulda	MN
6928	Acadia Savings and Loan Association, FSA	Crowley	LA
7024	Durand Federal Savings and Loan Association	Durand	WI
7054	American Savings, a Federal Savings and Loan Association	Salt Lake City	UT
7067	First Savings and Loan Association, FA	Waco	TX
7071	Bexar Savings Association	San Antonio	TX
7180	Heritage Federal Savings & Loan Association	Monroe	NC
7268	General Federal Savings Bank	Miami	FL
7323	Jasper Federal Savings & Loan Association	Jasper	TX
7325	Southwestern Federal Savings Association	El Paso	TX
7353	First South Savings Association	Port Neches	TX
7374	Germania Bank, FSB	Alton	IL
7579	Victor Savings and Loan Association a Federal Savings and Loan Association	Muskogee	OK

The liquidation of the assets of these receiverships is expected to be completed no later than June 30, 1999. To the extent permitted by available funds and in accordance with law, the Receiver for these institutions will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of such receiverships will serve no useful purpose. Consequently, notice is given that the receiverships will be terminated, as soon as practicable but no sooner than thirty (30) days after the date of this Notice.

If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Terminations Department, 1910 Pacific Avenue, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: April 15, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99–9844 Filed 4–19–99; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1269–DR]

Louisiana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA–1269–DR), dated April 9, 1999, and related determinations.

EFFECTIVE DATE: April 12, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Louisiana is hereby amended to include Individual Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 9, 1999:

Bossier Parish for Individual Assistance (already designated for Public Assistance).

Caddo Parish for Individual and Public Assistance.

Claiborne Parish for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–9852 Filed 4–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3130–EM]

Commonwealth of Puerto Rico; Amendment No. 4 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the Commonwealth of Puerto Rico, (FEMA–3130–EM), dated September 21, 1998, and related determinations.

EFFECTIVE DATE: September 30, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 30, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 99–9853 Filed 4–19–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register.**

Agreement No.: 202–011346–009

Title: Israel Trade Conference

Parties:

Farrell Lines Incorporated

Zim Israel Navigation Co., Ltd.

Synopsis: The proposed modification deletes any reference to loyalty contracts; provides for the right of independent action for freight forwarder compensation; permits conference members to enter into individual service contracts, to exchange information, and to implement voluntary service contract guidelines; and makes other administrative changes as well as restating the agreement. The parties have requested expedited review.

Dated: April 15, 1999.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 99–9854 Filed 4–19–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Fact Finding Investigation No. 23—Ocean Common Carrier Practices in the Transpacific Trades; Amended Order of Investigation

On September 21, 1998, pursuant to the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* (''Act''), the Federal Maritime Commission (''Commission'') commenced this nonadjudicatory fact finding proceeding to investigate allegations that ocean common carriers in the eastbound Transpacific trades were engaging in activities that may be in violation of certain provisions of the Act. Commissioner Delmond J.H. Won was appointed as Investigative Officer and was authorized to hold hearings and to utilize compulsory processes, including subpoenas, to obtain relevant testimony and documents. Commissioner Won conducted an

expedited investigation and submitted a confidential Report and Recommendations (''Report'') to the Commission on January 5, 1999.

A summary of Commissioner Won's Report was released to the public on March 12, 1999. Generally, as indicated by the summary, evidence cited in the Report corroborates allegations that carriers in the eastbound Transpacific trades, faced with shortages of space during the peak 1998 holiday shipping season, refused to carry low rated cargo at applicable rates, targeted the cargo of non-vessel-operating common carriers (''NVOCCs'') for rate and space discrimination, and imposed significant and sudden increases in rates and charges. Among other things, the Report indicates that space was allocated in many instances on the basis of profit to the carrier; and that bookings were often rejected unless the shipper agreed to significantly increased rates or charges. Large, reliable contract shippers were said generally to have received preferential space allocations.

The Commission has determined to pursue certain of the Report's findings through further investigation and enforcement action under sections 8, 10 and 11 of the Act, as appropriate. To facilitate such further investigation, the Commission is continuing this proceeding to assist in developing additional evidence concerning the activities of ocean common carriers listed in Appendix A hereto during the period July 1, 1998 to November 1, 1998 in the eastbound Transpacific trades, and related to the following issues:

1. Refusing to provide vessel space or equipment to shippers under existing service contract rates;
2. Demanding or charging rates higher than those set forth in applicable tariffs or service contracts;
3. Subjecting any particular non-vessel-operating common carrier (''NVOCC'') or NVOCC traffic generally, to any unreasonable refusal to deal, to any undue or unreasonable prejudice or disadvantage, or to unjustly discriminatory rates or charges; and
4. Transporting cargo for, or soliciting service contracts from, individual members of shippers' associations at rates higher than those found in existing contracts of the applicable associations.

In addition, the Commission is designating Vern W. Hill, Director, Bureau of Enforcement, as the Investigative Officer for the continued phase of this proceeding. Mr. Hill will have all of the powers formerly delegated to Commissioner Delmond Won to pursue the issues set forth above.

Interested persons are invited and encouraged to contact the Investigative Officer named herein, at (202) 523–5783 (Phone) or (202) 523–5785 (Fax), should they wish to provide testimony or evidence, or to contribute in any other manner to the development of a complete factual record in this proceeding.

Therefore, it is ordered, That pursuant to sections 8, 10, 11, 12 and 15 of the Shipping Act of 1984, 46 U.S.C. app. 1707, 1709, 1710, 1711 and 1714, and part 502, Subpart R of Title 46 of the Code of Federal Regulations, 46 CFR 502.281, *et seq.*, this nonadjudicatory investigation into practices of ocean common carriers in the Transpacific trades is continued in order to develop the issues set forth above and to provide a basis for any subsequent regulatory, adjudicatory or injunctive action by the Commission.

It is further ordered, That the Investigative Officer shall be Vern W. Hill, Esq., Director, Bureau of Enforcement, of the Commission. The Investigative Officer shall be assisted by staff members as may be assigned by the Commission's Managing Director and shall have full authority to hold public or non-public sessions, to resort to all compulsory process authorized by law (including the issuance of subpoenas *ad testificandum* and *duces tecum*), to administer oaths, to require reports, and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission;

It is further ordered, That the Investigative Officer shall issue a report of findings and recommendations no later than 180 days after publication of this Order in the Federal Register, and interim reports if it appears that more immediate Commission action is necessary, such reports to remain confidential unless and until the Commission provides otherwise;

It is further ordered, That this proceeding shall be discontinued upon acceptance of the final report of findings and recommendations by the Commission, unless otherwise ordered by the Commission; and

It is further ordered, That notice of this Order be published in the **Federal Register.**

By the Commission.

Bryant L. VanBrakle,

Secretary.

Appendix A

Ocean Common Carriers

APL Co. PTE, Ltd. (''APL'')
American President Lines, Ltd. (''APL'')
A.P. Moller-Maersk Line (''Maersk'')
COSCO Container Lines, Ltd. (''COSCO'')
Evergreen Marine Corp. (Taiwan) Ltd. (''Evergreen'')
Hanjin Shipping Co., Ltd. (''Hanjin'')
Hapag-Lloyd Container Linie GmbH (''Hapag-Lloyd'')
Hyundai Merchant Marine Co., Ltd. (''Hyundai'')
Kawasaki Kisen Kaisha, Ltd. (''K-Line'')
Mitsui O.S.K. Lines, Ltd. (''MOL'')
Nippon Yusen Kaisha (''NYK'')
Orient Overseas Container Line, Inc. (''OOCL'')
P&O Nedlloyd B.V. (''P&O Nedlloyd'')
P&O Nedlloyd Ltd. (''P&O Nedlloyd'')
Sea-Land Service, Inc. (''Sea-Land'')
Yangming Marine Line (''Yangming'')

[FR Doc. 99–9855 Filed 4–19–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 99–05]

Anera and Its Members-Opting Out of Service Contracts; Order To Show Cause

On September 21, 1998, the Commission instituted Fact Finding Investigation No. 23—*Ocean Common Carrier Practices in the Trans-Pacific Trades,* for the purpose of conducting an inquiry into allegations that ocean common carriers in the eastbound Transpacific trades have engaged in activities in violation of the Shipping Act of 1984 (''1984 Act''), 46 U.S.C. app. 1701, *et seq.* 28 S.R.R. 445 (1998). The alleged violations included various forms of refusals to provide space for cargo during the 1998 peak holiday shipping season unless the shipper agreed to significantly increased rates or charges, and the widespread practice of allocating space on the basis of revenue or profit to be achieved by the carrier. The Commission's Order of Investigation (''Order'') delegated authority to the Investigative Officer to hold hearings, and to issue subpoenas for the attendance of witnesses and the production of documents.

As directed in the Order, the Investigative Officer issued a report and recommendations to the Commission on January 5, 1999. Included in that report were information and evidence concerning a practice engaged in by the Asia North America Eastbound Rate Agreement (''ANERA'') and its members referred to as ''opting out'' of conference service contracts. This term is used to describe a method of participation in ANERA contracts whereby a participating carrier may charge a rate other than that agreed to by the shipper in the contract. Thus, the ''opting out'' carrier agrees to carry cargo under the contract, but ''opts out'' of the contract rates. As discussed below, the rates

charged by the ''opting out'' carrier may be the tariff rates found in ANERA's tariff applicable to that particular carrier (i.e., the rate may be a common tariff rate or an independent action rate). However, the cargo carried under those higher tariff rates would count toward the minimum quantity set forth in the contract and, conversely, the conference's exposure to liquidated damages for failure to make sufficient space available under the contract could be diminished by offers from the ''opting out'' carrier to carry cargo at tariff rates.

This device is new to ANERA contracts in 1998–1999, and has been used primarily by Sea-Land Service, Inc. (''Sea-Land''), according to evidence developed in the fact finding investigation. Commission records reflect that Sea-Land ''opted out'' of at least 183 ANERA service contracts which were still in effect as of March 29, 1999.[1] As space became tight during the 1998 peak shipping season, Sea-Land appears to have utilized this device extensively to obtain greater revenue from contract shippers which could not find space on other carriers. A review of active ANERA service contracts in the Commission's files as of March 29, 1999, also indicates that the following additional carriers ''opted out'' of ANERA service contracts: A.P. Moller-Maersk Line (13 contracts); American President Lines, Ltd. (3 contracts); Hapag-Lloyd Container Line GmbH (8 contracts); Kawaski Kisen Kaisha, Ltd. (12 contracts); Mitsui O.S.K. Lines, Ltd. (1 contract); and P&O Nedlloyd Ltd./B.V. (1 contract). Appendix A hereto is a list of 198 active ANERA service contracts as of March 29, 1999, from which one or more of the above-named carriers ''opted out.''

One contract shipper which was charged tariff rates during peak season complained to ANERA that Sea-Land had charged an excessive rate and sought a refund of the difference between the rate charged and the contract rate. ANERA replied that Sea-land had charged the correct rate under the terms of the contract, explaining:

> All ANERA carriers can carry cargo under your contract and all must charge the contract rates except for Sea-Land, which must charge the general tariff rate at the time of shipment. Sea-Land liftings shall be counted towards the MQC [Minimum Quantity of Cargo] in your contract, although the rate is different than other carriers.

[1] Sea-Land produced statistics in the fact finding investigation indicating a total of 215 service contracts from which that carrier had ''opted out'' as of October 31, 1998. Apparently, some of those contracts are no longer in effect.

ANERA document No. 106690. The contract to which this correspondence refers, SC No. 7490/98, lists all of the ANERA carriers as participants. Article 6 of that contract, and its essential terms publication sets forth the contract rates. Note 3 to Article 6, which appears to be ''boilerplate'' language in ANERA contracts containing an ''opt out'' clause, states:

> The following participating carrier(s) has opted out of the following Contract rates pursuant to Rule 101.H of the ET tariff:
>
> Line: Sea-Land Service Inc.
> Commodity: All
> Port Pair: All
>
> Pursuant to Rule 101.H, certain shipments at the tariff rates applicable to the above carrier and port pair(s) may apply under this Contract. (Emphasis supplied)

Rule 101.H of ANERA's Essential Terms tariff is as follows:

> H. Any participating carrier may opt out of any of the rates in this Contract. Notice of any such opt-out shall be given prior to the effective date of this Contract and shall be shown in Appendix A hereto. The participating carrier may revoke the opt-out at any time during the term of this Contract by written notice to ANERA and the Shipper, after which it would be fully a party to the Contract for the remainder of its term and may not opt out further. Cargo carried by such participating carrier during any opt out period shall count toward the Quantity Commitments of this Contract, provided that the rate shall be the governing tariff rate (either common or I/A) applicable to that participating carrier at time of shipment, and provided further that such cargo may count under the Contract only if the applicable tariff rate is higher than the corresponding rate set forth in Appendix A of this Contract. All rules, extra charges, and other terms and conditions of the Contract shall apply per the Contract.

Section 8(c) of the Shipping Act of 1984 (''1984 Act'') requires that an ocean common carrier file with the Commission and make available to the general public in tariff format, a concise statement of the essential terms of a service contract, including the line-haul rate. The Commission's rules at 46 CFR 514.17(c)(2) provide that essential terms may not ''(i) [b]e uncertain, vague or ambiguous; or (ii) [c]ontain any provision permitting modification by the parties other than in full compliance with this part.'' The essential terms quoted above appear to be uncertain, vague and ambiguous in that neither the shipper nor the Commission nor the public knows which rates will apply to any particular shipment. In addition, the rate can be modified by the conference, or by the individual carrier, at any time, without the shipper's consent. Thus, the ''opt out'' provisions found in the ANERA contracts listed in Appendix A to this order appear to be in violation of section 8(c) of the 1984 Act and the Commission's regulations.

Section 10(d)(1) of the 1984 Act states that, ''No common carrier * * * may fail to establish, observe and enforce just and reasonable regulations and practices relating to or connected with receiving * * * or delivering property.'' The practices of ANERA and its members in agreeing upon and implementing ''opt out'' provisions in 1998–1999 service contracts appear to be unjust and unreasonable in that ''opting out'' carriers refuse to accept bookings, and, thus, to receive, transport, or deliver cargo, under the rate for which a shipper has bargained in a service contract. Moreover, this refusal by ''opting out'' carriers may result in a shipper being penalized for failure to meet its minimum cargo requirements under the contract if it chooses not to ship at higher rates with an ''opting out'' carrier.[2] Therefore, these practices appear to violate section 10(d)(1) of the 1984 Act.

Now, therefore, it is ordered That pursuant to section 11 of the Shipping Act of 1984, 46 U.S.C. app. 1710, ANERA and its members are directed to show cause why they should not be found to have violated section 8(c) of the Shipping Act of 1984 by failing to file with the Commission and make available to the general public in tariff format, a concise statement of the essential terms, including the line haul rate, of at least 198 service contracts in which one or more members have ''opted out.''

It is further ordered That ANERA and its members are directed to show cause why they should not be found in violation of Commission rules at 46 CFR 514.17(c)(2) for filing essential terms for at least 198 service contracts that are uncertain, vague and ambiguous and/or

[2] Rule 107(A) of ANERA's Essential Terms tariff appears to provide the shipper with the freedom to choose the participating carrier who will transport the shipper's cargo during the duration of the service contract. However, space on any specific vessel is not guaranteed to the shipper. Therefore, according to Rule 107(B), if the shipper ''is unable to secure space on any particular vessel of a participating carrier, [s[hipper agrees to contact all of the other participating carriers successively until appropriate substitute space has been found.'' Under these contractual conditions, if the only participating carrier that is able to provide space to the shipper is also one that has ''opted out'' of the service contract rates, then the shipper may be faced with the unattractive choice of either paying the higher tariff rates for the transportation of its cargo, or of breaching the contract by failing to meet its Minimum Quantity Commitment, thereby exposing itself to liability and penalties in the form of liquidated damages, as specified in Article 9 of the contract.

can be modified at any time without the shipper's consent.

It is further ordered That ANERA and its members are directed to show cause why they should not be found in violation of section 10(d)(1) of the 1984 Act for failure to establish, observe and enforce just and reasonable regulations and practices relating to or connected with receiving or delivering property under service contracts containing ''opt out'' clauses.

It is further ordered That this proceeding is limited to the submission of affidavits of fact and memoranda of law.

It is further ordered That any person having an interest and desiring to intervene in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72. Such petition shall be accompanied by the petitioner's memorandum of law and affidavits of fact, if any, and shall be filed no later than the day fixed below;

It is further ordered That ANERA and its members as set forth in Appendix B hereto are named as Respondents in this proceeding. Affidavits of fact and memoranda of law shall be filed by Respondents and any intervenors in support of Respondents no later than May 14, 1999.

It is further ordered That the Commission's Bureau of Enforcement is made a party to this proceeding;

It is further ordered That reply affidavits and memoranda of law shall be filed by the Bureau of Enforcement and any intervenors in opposition to Respondents no later than June 3, 1999.

It is further ordered That rebuttal affidavits and memoranda of law shall be filed by Respondents and intervenors in support no later than June 18, 1999.

It is further ordered That;

(a) Should any party believe that an evidentiary hearing is required, that party must submit a request for such hearing, together with a statement setting forth in detail the facts to be proved, the relevance of those facts to the issues in this proceeding, a description of the evidence which would be adduced, and why such evidence cannot be submitted by affidavit;

(b) Should any party believe that an oral argument is required, that party must submit a request specifying the reasons therefore and why argument by memorandum is inadequate to present the party's case; and

(c) Any request for evidentiary hearing or oral argument shall be filed no later than June 18, 1999.

It is further ordered That, if violations are found by the Commission, such violations be referred to an Administrative Law Judge for assessment of civil penalties as appropriate, under section 13 of the Shipping Act of 1984, 46 U.S.C. app. 1712.

It is further ordered That notice of this Order to Show Cause be published in the **Federal Register,** and that a copy thereof be served by express delivery upon Respondents;

It is further ordered That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, as well as being mailed directly to all parties of record;

Finally, it is ordered That pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the final decision of the Commission in this proceeding shall be issued by September 1, 1999.

By the Commission.

Bryant L. VanBrakle,

Secretary.

APPENDIX A.—ANERA SERVICE CONTRACTS IN WHICH ONE OR MORE MEMBERS HAVE ''OPTED OUT''

Name of carrier	Total number of ''OPT outs''	Service contracts with ''OPT outs''
Sea-Land Service, Inc.	183	7135, 7143, 7190, 7218, 7231, 7256, 7257, 7258, 7259, 7260, 7261, 7262, 7263, 7266, 7267, 7270, 7271, 7272, 7274, 7275, 7277, 7278, 7280, 7282, 7283, 7284, 7285, 7287, 7288, 7289, 7290, 7292, 7294, 7295, 7298, 7299, 7300, 7301, 7303, 7306, 7308, 7309, 7310, 7311, 7312, 7314, 7315, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7324, 7325, 7329, 7331, 7334, 7335, 7336, 7337, 7338, 7339, 7340, 7341, 7344, 7345, 7347, 7349, 7352, 7354, 7355, 7357, 7358, 7359, 7362, 7363, 7364, 7365, 7366, 7367, 7368, 7371, 7372, 7373, 7374, 7376, 7377, 7378, 7380, 7381, 7382, 7383, 7384, 7385, 7386, 7388, 7389, 7391, 7393, 7394, 7395, 7396, 7397, 7398, 7399, 7400, 7402, 7403, 7404, 7405, 7406, 7409, 7410, 7411, 7412, 7413, 7415, 7418, 7419, 7421, 7423, 7424, 7427, 7429, 7430, 7431, 7435, 7436, 7438, 7440, 7442, 7443, 7444, 7445, 7446, 7448, 7449, 7450, 7451, 7452, 7453, 7455, 7456, 7457, 7458, 7459, 7460, 7461, 7464, 7466, 7467, 7468, 7470, 7471, 7472, 7473, 7474, 7477, 7479, 7480, 7481, 7482, 7485, 7487, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7500, 7501, 7502, 7504, 7505, 7510, 7511, 7627.
A.P. Moller-Maersk Line	13	6918, 7191, 7229, 7230, 7256, 7274, 7298, 7321, 7340, 7341, 7368, 7416, 7627.
Kawasaki Kisen Kaisha, Ltd (''K'' Line)	12	7265, 7277, 7294, 7300, 7308, 7329, 7334, 7368, 7374, 7415, 7417, 7419.
Hapag-Lloyd Container Linie GmbH	8	7368, 7675, 7679, 7682, 7683, 7685, 7686, 7687.
American President Lines Ltd.	3	7406, 7478, 7679.
P&O Nedlloyd Ltd./B.V.	1	7334.
Mitsui O.S.K. Lines Ltd.	1	7368.

Source: ATFI Essential Terms Publication as of March 29, 1999.

Appendix B

Members of the Asia North America Eastbound Rate Agreement

APL Co. PTE Ltd. (''APL'')
American President Lines, Ltd. (''APL'')
A.P. Moller-Maersk Line (''Maersk'')
Hapag-Lloyd Container Linie GmbH (''Hapag-Lloyd'')
Kawasaki Kisen Kaisha, Ltd. (''K-Line'')
Mitsui O.S.K. Lines, Ltd. (''MOL'')
Nippon Yusen Kaisha Line (''NYK'')
Orient Overseas Container Line, Ltd. (''OOCL'')
P&O Nedlloyd B.V. (''P&O Nedlloyd'')
P&O Nedlloyd Ltd. (''P&O Nedlloyd'')
Sea-Land Service, Inc. (''Sea-Land'')

[FR Doc. 99–9856 Filed 4–19–99; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 14, 1999.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. The Bancorp, Inc., Cedarburg, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Elcho Bancorporation, Inc., Elcho, Wisconsin, and thereby indirectly acquire Northwoods State Bank, Elcho, Wisconsin.

Board of Governors of the Federal Reserve System, April 14, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–9800 Filed 4–19–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 4, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Credit Suisse Group and Credit Suisse First Boston, both of Zurich, Switzerland; to acquire Warburg, Pincus Asset Management Holdings, Inc., New York, New York, and thereby engage in financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y; securities brokerage activities, pursuant to § 225.28(b)(7)(i) of Regulation Y; riskless-principal activities, pursuant to § 225.28(b)(7)(ii) of Regulation Y; private placement activities, pursuant to § 225.28(b)(7)(iii) of Regulation Y; other transactional activities, pursuant to § 225.28(b)(7)(v) of Regulation Y; investing and trading activities, pursuant to § 225.28(b)(8)(ii) of Regulation Y; data processing services, pursuant to § 225.28(b)(14) of Regulation Y; serving as investment advisor to and the general partner of (including, as appropriate, as commodity pool operator for) and holding and placing equity interests in, certain private investment funds which invest only in securities and other instruments that Applicants would be permitted to hold directly under the Bank Holding Company Act, previously found to be permissible by Board Order. See, *Key Corp, 84 Fed. Res. Bull. 1075 (1998)*; providing administrative services to open-end and closed-end investment companies, previously found to be permissible by Board Order. See, *Key Corp, 84 Fed. Res. Bull. 1075 (1998)*; providing certain Internet-related services, previously found to be permissible by Board Order. See, *Royal Bank of Canada, 84 Fed. Res. Bull. 855 (1998)*.

Board of Governors of the Federal Reserve System, April 14, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–9799 Filed 4–19–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, April 26, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 16, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99–10007 Filed 4–16–99; 3:44 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Community/Tribal Subcommittee and the Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry: Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following subcommittee and committee meetings.

Name: Community/Tribal Subcommittee.

Times and Dates: 8:30 a.m.–5 p.m., May 4, 1999; 8:30 a.m.–5 p.m., May 5, 1999.

Place: The Westin Peachtree Plaza Hotel, 210 Peachtree Street, N.W., Atlanta, Georgia 30303.

Status: Open to the public, limited by the available space. The meeting room accommodates approximately 60 people.

Purpose: This subcommittee will bring to the Board of Scintific Counselors advice and citizen input, as well as recommendations on community and tribal programs, practices, and policies of the Agency. The subcommittee will report directly to the Board of Scientific Counselors.

Matters To Be Discussed: Issues and concerns of the Community/Tribal Subcommittee relates to ATSDR's community and tribal programs. ATSDR will present issues and concerns on which it wishes community/tribal input. Policies and activities will be identified and recommendations for the Agency will be developed. The subcommittee will discuss CTS procedures; ways and means of outreaching to communities affected by hazardous substances in the environment; possibilities for providing funding to communities to obtain their own health study expertise; the specific problems with Federal facilities and community access to health services. A report will be prepared and presented to the Board of Scientific Counselors.

Name: Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry.

Times and Dates: 8:30 a.m.–5:30 p.m., May 6, 1999, 8:30 a.m.–2:00 p.m., May 7, 1999.

Place: The Westin Peachtree Plaza Hotel, 210 Peachtree Street, N.W., Atlanta, Georgia 30303.

Status: Open to the public, limited by the available space. The meeting room accommodates approximately 60 people.

Purpose: The Board of Scientific Counselors, ATSDR, advises the Secretary; the Assistant Secretary for Health; and the Administrator, ATSDR, on ATSDR programs to ensure scientific quality, timeliness, utility, and dissemination of results. Specifically, the Board advises on the adequacy of the science in ATSDR-supported research, emerging problems that require scientific investigation, accuracy and currency of the science in ATSDR reports, and program areas to emphasize and/or to de-emphasize. In addition, the Board recommends research programs and conference support for which the Agency seeks to make grants to universities, colleges, research institutions, hospitals, and other public and private organizations.

Matters To Be Discussed: Agenda items will include an overview and panel discussions of ATSDR's plans, approaches, and time schedule for developing, with BSC collaboration and input, a five-year environmental public health research agenda; a report to the Board of Scientific Counselors from the Community/Tribal Subcommittee on issues and concerns related to hazardous waste sites; a presentation on an ATSDR/Department of Energy (DOE) coordinated research and public health activities plan for selected DOE sites; and brief ATSDR presentations on translating science to service, counter-terrorism activities, and international health.

Written comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

Agenda items are subject to change as priorities dictate.

Due to administrative delays, this notice has not been published fifteen days prior to the start of the meeting.

Contact Person for More Information: Robert F. Spengler, Sc.D., Executive Secretary, BSC, ATSDR, M/S E–28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639–0708.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and ATSDR.

Dated: April 13, 1999.

Carolyn J. Russell

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–9823 Filed 4–19–99; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99070]

Pregnancy Risk Assessment Monitoring System; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1999 funds for a cooperative agreement program for a Pregnancy Risk Assessment Monitoring System (PRAMS) program. This program addresses the ''Healthy People 2000 Objectives'' priority area of Maternal and Infant Health. The purpose of the program is to assist State public health agencies to: (1) Establish and maintain State-specific, population-based surveillance of selected maternal behaviors and experiences that occur around the time of pregnancy and early infancy, and (2) to generate State-specific data for informing perinatal health programs and policies.

B. Eligible Applicants

Assistance will be provided only to the official State and territorial public health agencies designated as registration areas for vital statistics, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

The following are excluded:

1. States funded in September 1996, under Program Announcement 659, entitled '' Pregnancy Risk Assessment Monitoring System'': Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Illinois, Maine, New Mexico, New York, North Carolina, Oklahoma, South Carolina, Washington, and West Virginia.

2. District and States which have previously received funds from CDC for PRAMS: District of Columbia, Indiana, and Michigan.

In addition, all applicants must provide the following evidence of support:

1. Written assurance, signed by the head of the State's Vital Statistics unit, that the recipient PRAMS program will have timely (i.e., able to draw a sample from birth certificates within 2 to 4 months after delivery) access to edited birth certificate information needed for sampling and data collection. In addition, written assurance that a final birth tape will be available to CDC by December 1 of the following data year for the purpose of weighting the annual dataset.

2. A letter of commitment from the Directors of the Maternal and Child Health (MCH), the Vital Statistics, the Data Processing units, that they will work collaboratively to support the PRAMS program.

Applicants who do not provide these assurances and letters of commitment will not be eligible for funding, and their applications will be returned.

C. Availability of Funds

Approximately $600,000 is available in FY 1999 to fund approximately 5 awards. It is expected that the average award will be $100,000 ranging from $60,000 to $120,000. It is expected that

the awards will begin on or about September 30, 1999, and will be made for a 12-month budget period within a project period of up to 2 years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and on the availability of funds.

Use of Funds

Supplantation of existing program efforts funded through other Federal or non-Federal sources is not allowable.

Recipient Financial Participation

CDC funding usually is sufficient to cover some operational costs for PRAMS, but it is not intended to fully support all aspects of the program. States currently receiving cooperative agreement funds contribute their own resources to PRAMS—mostly in the form of operational resources and in-kind staff support. Recipients of awards under this announcement are expected to commit a minimum of two full-time staff to the project.

Funding Preferences

Funding preferences will be given to states which have not implemented PRAMS through a Memorandum of Understanding with CDC.

D. Program Requirements

Recipients must identify and obtain review and approval from a NIH-approved Institutional Review Board (IRB). No data collection may begin until the provisions of 45 CFR 46, Protection of Human Subjects, have been met (See ''Other Requirements'' section below).

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for conducting activities under 2. (CDC Activities).

1. Recipient Activities

a. Adopt the standard PRAMS written protocol.

b. Identify, at a minimum, a program coordinator and a data manager dedicated to overall coordination and operations of PRAMS.

c. Form a Steering Committee consisting of representatives from the organizational units housing and collaborating on PRAMS, as well as other public and private health community representatives. The committee should provide oversight and set directions for the program and, at a minimum, meet at least once per year.

d. Assure active cooperation and collaboration among the participating organizational units such as MCH, Vital Records, and Data Processing units.

e. Design a State-wide PRAMS program that assures access to needed vital record information. Timely (i.e., able to draw a sample from birth certificates within 2 to 4 months after delivery) access to birth certificates is essential.

f. Prepare State-specific questions and their rationale and pretest, if needed, the questionnaire. With other participating States, revise the common questions at agreed upon intervals.

g. Define the study population and design and maintain a representative PRAMS sample.

h. Develop a cycle of sampling and data collection in accordance with the protocol and CDC developed PRAMS software.

i. Individual interviewers used by the State to conduct telephone interviewing must follow the standard PRAMS protocol and should be trained in accordance with PRAMS standards for phone interviewing.

j. Develop, maintain, and make available to CDC, using the standardized PRAMS protocol, electronic files on birth certificate information of the sampling frame, and of sampled women, data collection activities, and questionnaire data on a timely basis for data management (i.e., sampling, cleaning, and weighting).

k. Monitor, at least, monthly the quality of data collected and its management (i.e., through verification and validation efforts).

l. Develop and implement an analysis plan.

m. Collaborate with CDC on multi-State analyses combining or comparing data across PRAMS States.

n. Disseminate PRAMS findings through presentations and publications to health departments, professional societies, voluntary agencies, universities, other PRAMS States, and other interested individuals and organizations.

o. Participate with other States in training, workshops, and meetings at least once per year.

p. Assure that CDC has a final birth tape by December 1 of the following data year. The birth tape is needed by CDC for the weighting of the annual dataset which is returned to the State for analyses.

2. CDC Activities

a. Provide model protocol and assist with development of State-specific written protocols.

b. Assist the recipient agencies with development and revisions of State-specific questions and core questions for new States.

c. Provide program software, training, and ongoing technical support for operations management, questionnaire data entry, and development of the PRAMS analysis database.

d. Assist with the specification of variable descriptions and format layouts of all data files.

e. Provide technical assistance for data editing.

f. Assist with the development of computer programs for sampling.

g. Provide technical assistance to resolve problems regarding data collection procedures, response rates, sampling procedures (unbiased sampling and estimate omissions), and database files (completeness).

h. Assist in the development of annual weighted analysis datasets for recipient agencies, including developing statistical weights.

i Assist recipient agency staff in obtaining training in sample survey analysis software.

j. Provide recipients with epidemiological and statistical technical assistance.

k. Conduct multi-State and single-State analyses, in collaboration with the State, and facilitate dissemination and translation of findings.

l. Participate with recipient agencies in workshops, training, and meetings to exchange information among States.

m. Conduct site visits to monitor the program operations and to provide technical assistance as needed.

n. Assist in the development of a research protocol for IRB review by all cooperating institutions participating in the research project.

o. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 30 double-spaced pages, printed on one side, with one inch margins, and unreduced font.

The applicant must submit the following:

1. Background and Need

a. Describe the rates of low birth weight and infant mortality on a Statewide basis and for high-risk sub-populations and geographical areas of

special interest and describe their relationship to relevant national rates for the ''Healthy People 2000 Objectives''.

b. Identify gaps in needed information concerning adverse pregnancy and infant outcomes, pregnancy and infant risk factors, and provide a description of how PRAMS data may be used to fill these gaps.

c. Describe pregnancy-related information that State programs need to develop and direct intervention policies and activities; and identify priorities for information on risk factors.

d. Describe how analyses of linked birth and infant death certificates have been used to identify infant health problems. The applicant should describe how data from PRAMS will complement the analyses of vital records by increasing understanding of previously identified infant health problems and identifying new problems.

2. Profile of State Birth Registration Process

a. Describe, in detail, State process for registering births, to include each step from collection of information at the birth site, having an initial computerized file (the sampling frame from which the PRAMS sample will be drawn), and having a clean, edited file from which other information can be drawn. Documentation should be provided that the sample could be drawn from birth certificate information within 2 to 4 months after the date of birth. The description should indicate whether development of the file requires linkage of medical and legal portions of the birth certificate. If so, this process should be described, along with the length of time needed to complete the linkage.

b. Describe the schedule on which vital records information (frame files and end-of-year birth files, such as NCHS standard birth files) will be available to CDC. CDC uses these files for assisting the state with evaluation of the sample and weighting the data.

c. Describe the current methods of processing birth certificates in the State: whether electronic birth certificate (EBC) registration is in place, and if so, for how long; if not, how long the current system has been in place; and any anticipated changes to the process.

d. Describe the extent to which applicant can link birth certificate data to other data sources (e.g., infant deaths, Supplemental Nutrition Program for Women, Infants, and Children (WIC), Medicaid).

3. Plan of Operation

a. Describe how and when the major project components (such as sampling, mail and telephone operations, data analysis, staffing plan, protocol development, steering committee) will be developed and implemented.

b. Provide any available data that describe the extent to which the data collection approach is likely to produce adequate response rates among the sampled population, including high-risk sub-populations. Applicant should provide examples of previous surveys, including past experiences with PRAMS and other data collection activities, and their response rates in the proposed populations. Describe and provide for the inclusion of women, racial and ethnic minority populations in the proposed research to include:

i. The proposed plan for the inclusion of women, racial and ethnic minority populations for appropriate representations.

ii. The proposed justification when representation is limited or absent.

iii. A statement whether the design of the study is adequate to measure differences when warranted.

iv. A statement whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

c. Describe the roles, responsibilities, and supervision of key personnel who will be contributing to the PRAMS program during the next budget period.

d. Document the relevant expertise and experience of proposed personnel involved in PRAMS program direction, operational management, and data analysis and dissemination, and their placement within the organization. It is strongly recommended that a minimum of two full-time equivalents at the State level be committed to working on daily operations and coordination of PRAMS.

e. Thoroughly describe the specific roles and responsibilities of participating organizational units, such as MCH, vital records, and data processing units.

f. Describe a plan for data analysis and dissemination of findings through various channels, including steering committee members, health policy makers, and health providers. Applicant should provide a description of existing partnerships and how findings from previous studies have been disseminated.

g. Provide an organizational chart that shows the proposed location of units that participate in PRAMS.

4. Timetable

Provide a general time-line of major milestones for the project period and a schedule of activities for the first 12 months of the project period.

5. Budget

Provide a detailed budget and line-item justification of all operating expenses that is consistent with the planned activities of the project. The budget should also address funds requested, as well as the applicant's in-kind or direct support. The budget should indicate if funds are already committed to PRAMS and the amount requested under this announcement should be adjusted accordingly.

F. Submission and Deadline

Application

Submit the original and two copies of CDC Form 0.1246(E). Forms are in the application kit. On or before June 18, 1999, submit the application to: Mildred S. Garner, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Announcement 99070, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received prior to submission to the review panel. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background and Need (30 Points)

a. The extent to which problems of poor pregnancy outcome exist, their severity, and whether they exist on a Statewide basis, within high-risk sub-populations, or defined geographical areas, and may be assessed in relationship to relevant national rates, the ''Healthy People 2000 Objectives'', and the Maternal and Child Health Bureau MCH indicators (5 points).

b. The programmatic relevance of the maternal and infant health program priorities (5 points).

c. The extent to which the applicant describes the surveillance information needed and how it may be used for health program planning and resource allocation (10 points).

d. The extent to which the applicant has used vital records data or other data sources, (e.g., infant deaths, WIC, Medicaid, or PRAMS) to identify and analyze infant health problems (10 points).

2. Profile of State Birth Registration Process (25 Points)

a. The extent to which the process is thorough; birth certificate information is computerized, edited, and available for sampling within 2 to 4 months after date of birth; and vital records information schedule provides timely access to CDC for sample evaluation and weighting (10 points).

b. The extent to which electronic birth certificate registration (EBC) or other methods for processing birth certificates are used, and whether any changes in the current process are anticipated along with a time frame for these changes (10 points).

c. The extent to which the applicant can link to other data sources (e.g., infant deaths, WIC, Medicaid) (5 points).

3. Plan of Operation (40 Points)

a. The extent to which the sampling method appears appropriate and likely to produce adequate response rates among the sampled populations. Applicants should provide evidence of previous experiences, including PRAMS, with the sampled populations (10 points).

b. The adequacy of the plan and timeline to carry out major project components (i.e., sampling, mail and telephone operations, data analysis)(5 points).

c. The extent to which the roles and responsibilities for organizational units, such as MCH, vital records, and data processing units; and key personnel and their expertise and experience, are documented and appear reasonable and appropriate; and whether two full-time equivalents are committed to working on PRAMS (10 points).

d. The extent to which the plan for data analysis assures dissemination of findings through multiple channels, to include steering committee members, health policy makers, and health providers and the extent to which previous study findings have been disseminated (10 points).

e. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research (5 points). This includes:

i. The proposed plan for the inclusion of women racial and ethnic minority populations for appropriate representation.

ii. The proposed justification when representation is limited or absent.

iii. A statement as to whether the design of the study is adequate to measure differences when warranted.

iv. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

4. Timetable (5 Points)

The extent to which the timetable incorporates major PRAMS activities and milestones and is specific, measurable, and realistic.

5. Budget (Not Scored)

The extent to which the budget is detailed, clear, justified, provides in-kind or direct project support, and is consistent with the proposed program activities.

6. Human Subjects: (Not Scored)

Does the application include a plan to adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects (see AR–1 below)?

____Yes____No

Comments: _____

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. progress report, no more that 90 days after the end of the budget period;

2. financial status report, no more than 90 days after the end of the budget period; and

3. final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to: Mildred S. Garner, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, GA 30341.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR98–1 Human Subjects Requirements

AR98–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research

AR98–5 HIV Program Review Panel Requirements

AR98–7 Executive Order 12372 Review

AR98–9 Paperwork Reduction Act Requirements

AR98–10 Smoke-Free Workplace Requirements

AR98–11 Healthy People 2000

AR98–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a) and 317(k)of the Public Health Service Act, [42 U.S.C. sections 241(a) and 247b(k) respectively], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

To obtain additional information, contact: Robert Hancock, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 99070, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146 telephone (770) 488–2746, E-mail: RNH2@CDC.GOV.

See also the CDC home page on the Internet to obtain a copy of this announcement: http://www.cdc.gov

For program technical assistance, contact: Mary M. Rogers, Dr.P.H., Project Officer, PRAMS, Program Services and Development Branch, Division of Reproductive Health, NCCDPHP 4770 Buford Highway, N.E., MS K–22, Atlanta, Georgia 31341, Phone: (770) 488–5220, E-Mail: MJR3@CDC.GOV.

Dated: April 14, 1999.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–9824 Filed 4–19–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease

Control and Prevention (CDC) announces the following committee meeting.

Name: Breast and Cervical Cancer Early Detection and Control Advisory Committee (BCCEDCAC).

Times and Dates: 9 a.m.–5 p.m., May 17, 1999; 9 a.m.–4:30 p.m., May 18, 1999.

Place: The Holiday Inn Select—Decatur, 130 Clairemont Avenue, Decatur, Georgia 30030, telephone 404/371–0204, fax 404/377–2726.

Status: Open to the public, limited only by the space available.

Purpose: The Breast and Cervical Cancer Early Detection and Control Advisory Committee is charged with providing advice and guidance to the Secretary, the Assistant Secretary for Health, and the Director of CDC, regarding the early detection and control of breast and cervical cancer and to evaluate the Department's current breast and cervical cancer early detection and control activities.

Matters To Be Discussed: The discussion will focus on two new policies for the National Breast and Cervical Cancer Early Detection Program: case management and cervical cancer. Draft definitions will be provided and impact on the Program's operations will be discussed. Persons wishing to make oral presentations at the meeting should contact Ms. Rebecca Wolf 770/488–3012 or Ms. Madeline Cutler 770/488–4751 by 4 p.m., May 1, 1999. All requests will be limited to five minutes and should contain the name of the presenter and an outline of the meeting should be given to Ms. Cutler prior to the meeting.

Contact Person for Additional Information: Rebecca B. Wolf, Division of Cancer Prevention and Control, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–64, Atlanta, Georgia 30341–3717, telephone 770/488–4751.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and ATSDR.

Dated: April 14, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–9821 Filed 4–19–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee (CLIAC); Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meetings.

Name: Clinical Laboratory Improvement Advisory Committee (CLIAC).

Times and Dates: 8:30 a.m.–5 p.m., May 12, 1999; 8:30 a.m.–3:30 p.m., May 13, 1999.

Place: CDC, Koger Center, Williams Building, Conference Rooms 1802 and 1805, 2877 Brandywine Road, Atlanta, Georgia 30341.

Status: Open to the public, limited only by the space available. The meeting rooms accommodate approximately 85 people.

Purpose: This committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

Matters To Be Discussed: The morning session of the first day will be devoted to orientation of new members. The orientation is background and process for new committee members. Although members of the public may attend, the orientation is not part of the public meeting. The agenda will include an update on CLIA implementation; update on transfer of test categorization and review of tests for waived status to the FDA; CLIA requirements and laboratory test results of public health importance; and remaining gaps in laboratory Y2K preparedness.

The Committee solicits oral and written testimony on the application of CLIA regulations and laboratory test results of public health importance. Requests to make an oral presentation should be submitted in writing to the contact person listed below by close of business, May 7, 1999. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Written comments should not exceed five single-spaced typed pages in length and should be received by the contact person listed below by close of business, May 7, 1999.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: John C. Ridderhof, Dr.P.H., Division of Laboratory Systems, Public Health Practice Program Office, CDC, 4770 Buford Highway, NE, M/S G–25, Atlanta, Georgia 30341–3724, telephone 770/488–8076, fax 770/488–8282.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and ATSDR.

Dated: April 13, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–9822 Filed 4–19–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Recordkeeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget (OMB)

Title: Temporary Assistance for Needy Families Financial Reporting Form, ACF–196.

OMB No.: 0970–0165.

Description: The form provides specific data regarding claims and provides a mechanism for states to request grant awards and certify the availability of state matching funds. Failure to collect this data would seriously compromise ACF's ability to monitor expenditures. This information is also used to estimate outlays and may be used to prepare ACF budget submissions to Congress. The following citations should be noted in regards to this collection: 405(1); 409(a)(7); and 409(a)(1).

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–196	54	4	8	1,728

Estimated Total Annual Burden Hours: 1,728.

Additional Information

ACF is requesting that OMB grant a 180 day approval for this information collection under procedures for emergency processing by April 30, 1999. A copy of this information collection,

with applicable supporting documentation, maybe obtained by calling the Administration for Children and Families, Reports Clearance Officer, Bob Sargis at (202) 690–7275.

Comments and questions about the information collection described above should be directed to the following address by April 30, 1999: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ACF, Office of Management and Budget, Paper Reduction Project, 725 17th Street, NW, Washington, DC 20503, (202) 395–7316.

Dated: April 14, 1999.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 99–9801 Filed 4–19–99 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93631–99–02]

Developmental Disabilities: Request for Public Comments on Proposed Developmental Disabilities Funding Priorities for Projects of National Significance for Fiscal Year 1999

AGENCY: Administration on Developmental Disabilities (ADD), ACF, DHHS.

ACTION: Notice of request for public comments on developmental disabilities tentative funding priorities for Projects of National Significance for Fiscal Year 1999.

SUMMARY: The Administration on Developmental Disabilities (ADD) announced that public comments are being requested on tentative funding priorities for Fiscal Year 1999 Projects of National Significance prior to being announced in its final form.

We welcome comments and suggestions on this proposed announcement and funding priorities that will assist in bringing about the increased independence, productivity, integration, and inclusion into the community of individuals with developmental disabilities.

DATES: The closing date for submission of applications is June 21, 1999.

ADDRESSES: Comments should be sent to: Sue Swenson, Commissioner, Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, S.W., Room 300F, Washington, D.C., 20447.

FOR FURTHER INFORMATION CONTACT: Administration for Children and Families (ACF), Pat Laird, 370 L'Enfant Promenade, S.W., Room 300F, Washington, D.C., 20447, 202/690–7447.

SUPPLEMENTARY INFORMATION: This announcement consists of two parts:

Part I

Background

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities is located within the Administration for Children and Families, Department of Health and Human Services (DHHS). Although different from the other ACF program administrations in the specific constituency it serves, ADD shares a common set of goals that promote the economic and social well being of families, children, individuals and communities. Through national leadership, we see:

- Families and individuals empowered to increase their own economic independence and productivity;
- Strong, healthy, supportive communities having a positive impact on the quality of life and the development of children;
- Partnerships with individuals, front-line service providers, communities, States and Congress that enable solutions which transcend traditional agency boundaries;
- Services planned and integrated to improve client access; and
- A strong commitment to working with Native Americans, individuals with developmental disabilities, refugees and migrants to address their needs, strengths and abilities.

Emphasis on these goals and progress toward them will help more individuals, including those with developmental disabilities, to live productive and independent lives integrated into their communities. The Projects of National Significance Program is one means through which ADD promotes the achievement of these goals.

Two issues are of particular concern with these projects. First, there is a pressing need for networking and cooperation among specialized and categorical programs, particularly at the service delivery level, to ensure continuation of coordinated services to people with developmental disabilities. Second, project findings and successful innovative models of projects need to be made available nationally to policy makers as well as to direct service providers.

B. Purpose of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities is the lead agency within ACF and DHHS responsible for planning and administering programs that promote the self-sufficiency and protect the rights of individuals with developmental disabilities.

The 1996 Amendments (Public Law 104–183) to the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C.6000 *et seq.*) (the Act) supports and provides assistance to States and public and private nonprofit agencies and organizations to assure that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity and integration and inclusion into the community.

The Act points out that:

- Disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to enjoy the opportunity for independence, productivity and inclusion into the community;
- Individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;
- Individuals with developmental disabilities often require lifelong specialized services and assistance, provided in a coordinated and culturally competent manner by many agencies, professionals, advocates, community representatives, and others to eliminate barriers and to meet the needs of such individuals and their families;

The Act further finds that:

- Individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of achieving independence, productivity, and integration and inclusion into the community, and often require the provision of services, supports and other assistance to achieve such;
- Individuals with developmental disabilities have competencies, capabilities and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual;
- Individuals with developmental disabilities and their families are the

primary decision makers regarding the services and supports such individuals and their families receive; and play decision making roles in policies and programs that affect the lives of such individuals and their families; and

• It is in the nation's interest for individuals with developmental disabilities to be employed, and to live conventional and independent lives as a part of families and communities.

Toward these ends, ADD seeks to enhance the capabilities of families in assisting individuals with developmental disabilities to achieve their maximum potential, to support the increasing ability of individuals with developmental disabilities to exercise greater choice and self-determination, to engage in leadership activities in their communities, as well as to ensure the protection of their legal and human rights.

Programs funded under the Act are:

• Federal assistance to State developmental disabilities councils;

• State system for the protection and advocacy of individual's rights;

• Grants to university affiliated programs for interdisciplinary training, exemplary services, technical assistance, and information dissemination; and

• Grants for Projects of National Significance.

C. Description of Projects of National Significance

Under Part E of the Act, demonstration grants and contracts are awarded for projects of national significance that support the development of national and State policy to enhance the independence, productivity, and integration and inclusion of individuals with developmental disabilities through:

• Data collection and analysis;

• Technical assistance to enhance the quality of State developmental disabilities councils, protection and advocacy systems, and university affiliated programs; and

• Other projects of sufficient size and scope that hold promise to expand or improve opportunities for individuals with developmental disabilities, including:

—Technical assistance for the development of information and referral systems;

—Educating policy makers;

—Federal interagency initiatives;

—The enhancement of participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

—Transition of youth with developmental disabilities from school to adult life.

Section 162(d) of the Act requires that ADD publish in the **Federal Register** proposed priorities for grants and contracts to carry out Projects of National Significance. The Act also requires a period of 60 days for public comment concerning such proposed priorities. After analyzing and considering such comments, ADD must publish in the **Federal Register** final priorities for such grants and contracts, and solicit applications for funding based on the final priorities selected.

The following section presents the proposed priority areas for Fiscal Year 1999 Projects of National Significance. We welcome specific comments and suggestions. We would also like to receive suggestions on topics which are timely and relate to specific needs in the developmental disabilities field.

Please be aware that the development of the final funding priority is based on the public comment response to this notice, current agency and Departmental priorities, needs in the field of developmental disabilities and the developmental disabilities network, etc., as well as the availability of funds for this fiscal year.

Part II

Fiscal Year 1999 Proposed Priority Areas for Projects of National Significance

ADD is interested in all comments and recommendations which address areas of existing or evolving national significance related to the field of developmental disabilities.

ADD also solicits recommendations for project activities which will advocate for public policy change and community acceptance of all individuals with developmental disabilities and families so that such individuals receive the culturally competent services, supports, and other assistance and opportunities necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community.

ADD is also interested in activities which promote the inclusion of all individuals with developmental disabilities, including individuals with the most severe disabilities, in community life; which promote the interdependent activity of people with developmental disabilities and people without disabilities; and which recognize the contributions of these people (whether they have a disability or not), who share their talents at home, school, and work, and in recreation and leisure time.

No proposals, concept papers or other forms of applications should be submitted at this time. Any such submission will be discarded.

ADD will not respond to individual comment letters. However, all comments will be considered in preparing the final funding solicitation announcement and will be acknowledged and addressed in that announcement.

Please be reminded that, because of possible funding limitations, the proposed priority areas listed below may not be published in a final funding solicitation for this fiscal year.

Comments should be addressed to: Sue Swenson, Commissioner, Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, S.W., Room 300F, Washington, D.C. 20447.

Proposed Fiscal Year 1999 Priority Area 1: Ongoing Data Collection and Information Dissemination

The purpose of this priority area is to fund projects through a cooperative agreement to collect data on public expenditures, employment and economic status, residential services, and other factors as they impact on the independence, productivity, integration and inclusion into the community of persons with developmental disabilities. ADD is particularly interested in the maximum use of already existing databases and in fostering the broadest dissemination to and use of the data by consumers, families and advocacy audiences.

Recently both public and private organizations have focused on data regarding people with disabilities. In 1998 the National Organization on Disability sponsored a Louis Harris survey on employment of adults with disabilities in the United States to determine whether their quality of life had improved since the passage of the Americans with Disabilities Act (ADA). In 1994 and 1995 a Disability Supplement was included in the National Health Interview Survey (NHIS). The NHIS is a household survey that has been conducted by the U.S. Bureau of the Census annually since 1957 and is supported by the National Center for Health Statistics. The NHIS focuses on the civilian, non-institutionalized population in the United States. Each year the NHIS randomly samples approximately 46,000 households with 116,000 members. The Disability Supplement

was included in this survey to identify a range of items necessary for gathering baseline data on disability, including developmental disabilities in this country. Other organizations are attempting to develop usable data on particular aspects of the lives of people with disabilities as well as include disability as a demographic factor in general surveys.

In December 1998 the ADD hosted a roundtable on data. This was a two-day discussion by representatives from Federal agencies, non-profit organizations, and universities involved with generating and synthesizing data about people with developmental and other disabilities. This roundtable addressed programmatic issues such as waiting lists, aging and disability, and employment as well as concrete data and information issues. Data issues included the quality of data states maintain, the focus of information collected on people in institutions and group homes, and who is and should be included in the developmental disabilities population.

ADD has funded successful projects on data and information, including:

- University of Minnesota: National Recurring Data Set Project on Residential Services—Ongoing National and State-by-State Data Collection and Policy/Impact Analysis on Residential Services for Persons with Developmental Disabilities (Charles Lakin: 612/624–5005)
- University of Illinois at Chicago: Sixth National Study of Public Mental Retardation/Developmental Disabilities Spending (David Braddock: 312/413–1647)
- Boston Children's Hospital: Access to Integrated Employment: National Data Collection on Day and Employment Services for Citizens with Developmental Disabilities (William Kiernan: 617/355–6506)

Prevalent throughout the Roundtable discussion was the expanding role of states in the delivery of human services and the differences in what human services they deliver and the substance and extent of such services. For this reason ADD is interested in funding a special study as a part of the public expenditure project. This study would focus on state funding of human services programs for people with disabilities and, in particular, people with developmental disabilities.

ADD anticipates that this additional study will be a 12-month comprehensive investigation and analysis of expenditures at the state level on supports and services for people who have disabilities and, within this population, people who have developmental disabilities. Such an analysis could be a nation-wide comparison of states or involve a selection of states. The study would not involve income maintenance programs, but would include state expenditures for supports and services relating to housing, medical care, employment or vocational training, transportation, education, including efforts to enhance inclusive education, and personal assistance and other supports for independent living.

ADD's interest in such a study is also based on the devolution of the authorities for human services programs to state governments. The study should demonstrate how states are using their resources to provide supports and services for all people with disabilities and specifically for people with developmental disabilities.

Possible areas of focus for the special study include:

- Describing how services, supports, and assistance available at the state-level ensure accessibility, provide reasonable accommodations and in other ways create community environments to ensure the success of the ADA.
- Comparing states (or selected states) regarding types and comprehensiveness of services and supports.
- Listing services available in some states for replication by other states.

The Roundtable discussion reinforced the significant role the states play in the delivery of human services especially since welfare reform. With its passage has come an increased attention to the employment status of people with disabilities. There is much that still needs to be known about the employment issues impacting on individuals with developmental disabilities. As part of the data project on employment, ADD is proposing information collection and analysis by state on these issues including services and follow-up from state vocational rehabilitation agencies, subsequent long-term employment, and impediments to long-term employment. The use of existing databases funded or maintained by U.S. Department of Education and Labor and others should be utilized in this effort.

The data collection projects on public expenditures, employment, and residential services, should consider including activities which would:

- Identify, collect and disseminate new databases.
- Modify, expand and/or reformulate existing databases.
- Project and model the cost-benefit impact of alternative future decisions based on the analysis of discrete programmatic options in the areas of residential services and employment.
- Connect, integrate or analyze available databases.

ADD is considering the addition of a data collection project to measure and track the participation of children with developmental disabilities in general education curricula and settings, and spending associated with such inclusion. The project would use existing state and local databases to analyze the relationships between student and family outcomes, program designs and fiscal commitments. Such a project would be intended to help legislatures, advocates, states, local school districts, and school boards understand relationships between program designs and costs so that they can identify the most cost-effective models of program design and delivery of IDEA-funded and locally-funded supports. The goal would be to provide reliable and useful information to support the full inclusion of children with developmental disabilities in American public schools.

Proposed Fiscal Year 1999 Priority Area 2: Breaking Through the Glass Ceiling to Attain First Class Citizenship

''The right to enjoying the privileges of membership or citizenship touches all parts of the American Dream and the equality of opportunity envisioned by our founders. The importance of these dreams continues for today's multicultural society: having a home, family and friends; going to school; being a part of the community; and, critically, having a job.'' (Presidential Task Force on the Employment of Adults with Disabilities, Re-charting the Course, November 1998)

The May 1998 publication of the ''Disability Statistics Abstract'' reports that the 1994 Harris poll of Americans with Disabilities indicated that 63 per cent of respondents said their quality of life had improved during the previous four years. However, trend data show only slow improvements in the lives of people with disabilities as measured by such things as more opportunities for employment and improved economic status, greater freedom of movement and ease of access, and increased levels of social integration.

In the release of its 1998 progress report on the status of disability policy, the National Council on Disability stated that ''The country continues to move forward, however the rate of progress is slower and less steady than many in the disability community had hoped when the Americans with Disabilities Act (ADA) was enacted in 1990. Federal policy remains rife with

inconsistent messages and unrealistic requirements for people with disabilities who rely on federal programs like Social Security disability benefits, vocational rehabilitation, Medicaid, Medicare, special education, and Temporary Assistance for Needy Families (TANF). In addition, the backlash against civil rights for children and adults with disabilities continues to motivate attempts to weaken laws such as the Individuals with Disabilities Education Act (IDEA) and ADA.''

Through Projects of National Significance, in particular, ADD has assisted its grantees in developing and replicating a variety of innovative and successful approaches to increased leadership development and self-determination among people with significant disabilities and their families. Most notably, this has taken the form of early and formative support of such endeavors as Partners in Policymaking, the active participation of families of children with disabilities in the design and implementation of State family support policies and programs, the Home of Your Own initiative, personal assistance system change projects and targeted leadership efforts among people of color who have developmental disabilities.

ADD's programs are State-based, and so are systems that serve Americans with developmental disabilities. In fact, data measuring the delivery of services and supports to people with developmental disabilities and their families show little comparability from State to State. To respond to State flexibility, devolution, and States' ongoing needs for input from stakeholders, DD network programs in most States provide some form of training or leadership development to people with developmental disabilities and their families. Many people have been trained to interact effectively on their own behalf with State systems designed to serve them, and with State policymakers.

However, some issues, problems, programs and systems are inherently national (such as civil rights) or are national in scope (such as the design of federal systems including entitlements). ADD believes that devolution will increase, not decrease the demand for national stakeholders. In order to address the growing need for advocates who have the skills and experience to function in national arenas, ADD proposes to deliver skills-based training to people who have distinguished themselves as graduates of State-based training programs. Although ADD recognizes that many State leaders have developed tremendous skills on their own over the years, we are particularly interested in providing further training to people who have become experienced, thoughtful, and responsible advocates as a result of State-based training programs.

To address this set of challenges and opportunities, ADD proposes to fund a national policy training academy. The purpose of such an academy would be to provide opportunities for experienced state leaders who are adults with developmental disabilities and families of children with developmental disabilities gain the necessary knowledge and skills to shape and guide the implementation of policies, practices and approaches which enhance their own self determination.

Specifically, the Academy would seek to strengthen and expand national leadership for the 21st Century by and for people with developmental disabilities and families of children with disabilities through:

- Building a network of individual and family leaders in disability.
- Developing systemic strategies for identifying and involving grassroots disability leaders.
- Disseminating best practices, curricula, guides, and informational materials on self-determination and leadership development.
- Providing experiential learning opportunities that will enable individuals to acquire and deepen their knowledge and skills in the areas of: the operations of the legislative and executive branches; the programs and processes of significant federal agencies; the capacity of computer technology; the resources of national advocacy organizations; grant writing and reviewing; and the development of non-profit organizations.

It is envisioned that the main activities of the Academy will occur in Washington, DC over segments of time to gain the most benefit from national resources. Therefore, ADD is interested in knowing whether DD Councils, UAPs, P&As or other agencies would be willing to provide travel stipends to support participation of local people in this Academy.

Proposed Fiscal Year 1999 Priority Area 3: Reinventing Quality: Ensuring and Enhancing That Community Living Settings and Services Are Responsive to People With Developmental Disabilities

- In 1993, the Federal government presented its response to improving how it does business—The National Performance Review, the Federal government's ''reinvention'' project. When the Review asked Americans what they expect from government services this is what they heard:
  - ''Ask us what we want.''
  - ''Don't tell us, 'That's not my department.' ''
  - ''Treat us with courtesy, respect, and enthusiasm.''
  - ''Make it easy.''
  - ''Provide reliable, timely help.''

  This is the same thing that Americans with disabilities and their families expect from all levels of government. According to a publication issued by the American Association on Mental Retardation (AAMR), ''Shaping Our Destiny—A Provider's Guide to Quality Community Services'', people with developmental disabilities and their families ''should have an equal right to quality services and supports—including clear, relevant service standards, and reliable, timely help.'' This guide further states that, ''Merely delivering services in the community doesn't make them quality services. Community services are quality services when they are flexible, reliable, and complete enough to meet an individual's needs.'' The guide explains that the old system of service delivery is not based on individually-designed services; that new service standards must be developed that ensure that everybody understands how community services and supports are supposed to work and that the new standards focus on results or outcomes that are meaningful to the people who use the supports. Most importantly, the guide emphasizes that these new service standards do not come from the Federal government, but are the products of each organization's interactions with its customers. Contained in the guide are examples of quality projects and ways to interact with stakeholders by service providers.

  The ''quality revolution'' described in the AAMR publication reflects a trend in the States toward outcome-focused quality assurance systems in residential services for individuals with developmental disabilities. The status of the States' activities toward implementing an outcome-based approach was the subject of a 1996 report ''Compendium of State Outcome-Focused Quality Assurance Systems'' by the Human Services Research Institute (HSRI). It found that there was a general sense in the States ''that traditional quality assurance, in particular comprehensive licensure and certification surveys, focuses too heavily on environment and process and not enough on outcomes for the individual (consumer) or on 'quality of life' issues. Across the States there appears to be a relationship between the evolution of

the State's mental retardation/developmental disabilities service system and the degree of quality assurance reform toward an outcome-focused system.''

''Reinventing Quality—The 1998 Sourcebook of Innovative Programs for the Quality Assurance and Quality Improvement of Community Services'', Institute on Community Integration/University of Minnesota, reaffirms this trend in the States as reported by HSRI and reasserts the need to change the service standards to reflect the evolution to community-based, individual needs. In the background section of this book, it states ''Recent years have seen a shift in long-term care for persons with developmental disabilities from large institutions to community settings. But people receiving community services can fully realize the potential for improved quality of life afforded by this movement only if quality assurance expectations and activities are changed significantly from those originally developed for institutional care.'' Efforts to improve the quality of community services have demonstrated many innovative and comprehensive quality assessment and enhancement practices that are contained in the Sourcebook. It is these efforts that ''may help others to fashion their own responses that not only protect the basic safety and well-being of individuals, but also encourage and support their preferred choices, personal growth, and individual lifestyles.'' One set of efforts described is consumer and family monitoring initiatives. Eight programs are profiled outlining their attempts at gaining insight into the quality of life of residents at group homes and other smaller facilities and providing feedback for quality enhancement.

It is obvious that ''monitoring'' in the traditional sense of the word is no longer an acceptable method for determining the quality of services and supports to people with developmental disabilities and their families. Thus, ADD is very interested in supporting models that demonstrate the effectiveness and cost efficiency of using volunteer surveyors of community residencies to gather objective information on the quality of life or outcomes experienced by their residents. The purpose of these projects would be to assist in the development of quality assurance improvements in their states. Projects should consider how their activities could contribute to an integrated service system based on person-centered outcomes. Any tools or instruments of measurement used should have as their focus the needs of the individual. These tools or instruments should be tested for reliability or validity and be standardized. Also, any tools/instruments should offer interpretive guidelines for those expected to use them. These projects would be expected to include in their community surveying multiple community settings (rural and urban), different types of housing (group homes, supported living, ownership) and all ranges of disability from mild to severe, especially those with limited communication skills. Projects should address cultural and geographic issues in their surveying as well. Consideration should be given to any issues regarding liability and insurance that may effect the implementation of the project. Models that ADD would seriously consider for funding should incorporate recruitment of consumers and family members and advocates, training of prospective surveyors, and direct observation and contact of residents.

(Federal Catalog of Domestic Assistance Number 93.631—Developmental Disabilities—Projects of National Significance)

Dated: April 14, 1999.

Sue Swenson,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 99–9862 Filed 4–19–99; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Head Start Bureau; Advisory Committee on Head Start Research and Evaluation; Notice of Meeting; Correction

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Correction.

SUMMARY: On Monday, April 5, 1999, a Notice was published in the **Federal Register**, document 99–8316, page 16470 announcing the Advisory Committee on Head Start Research and Evaluation meeting to be held on April 26–27, 1999 at Georgetown University. The Head Start Web site was incorrectly cited as http://www/dhhs.gov/programs/hsb. The correct web site is http://www2.acf.dhhs.gov/programs/hsb. For further information contact Deborah Roderick Stark at 301/889–0430.

Dated: April 12, 1999.

Patricia Montoya,

Commissioner, Administration on Children, Youth, and Families.

[FR Doc. 99–9861 Filed 4–19–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 77N–0240; DESI 1786]

Certain Single–Entity Coronary Vasodilators Containing Controlled–Release Nitroglycerin; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is proposing to withdraw approval of 23 new drug applications (NDA's) and abbreviated new drug applications (ANDA's) for certain single-entity coronary vasodilator drug products containing controlled-release nitroglycerin. FDA is offering the holders of the applications an opportunity for a hearing on the proposal. The basis for the proposal is that the sponsors of these products have failed to submit acceptable data on bioavailability and bioequivalence.

DATES: Hearing requests are due by May 20, 1999; data and information in support of hearing requests are due by June 21, 1999.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 1786, and directed to the attention of the appropriate office named as follows:

A request for a hearing, supporting data, and other comments are to be identified with Docket No. 77N–0240 and submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

A request for applicability of this notice to a specific product should be directed to the Division of Prescription Drug Compliance and Surveillance (HFD–330), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855.

FOR FURTHER INFORMATION CONTACT: Mary E. Catchings, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers

Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice (DESI 1786) published in the **Federal Register** of February 25, 1972 (37 FR 4001), FDA announced its evaluation of reports received from the National Academy of Sciences/National Research Council, Drug Efficacy Study group, on certain coronary vasodilator drugs. FDA classified controlled-release tablets of nitroglycerin as possibly effective for indications relating to the management, prophylaxis, or treatment of anginal attacks.

Notices published in the **Federal Register** of August 26, 1977 (42 FR 43127), October 21, 1977 (42 FR 56156), and September 15, 1978 (43 FR 41282), amended earlier notices (37 FR 26623, December 14, 1972; and 38 FR 18477, July 11, 1973) by temporarily exempting nitroglycerin in controlled-release forms from the time limits established for the Drug Efficacy Study Implementation (DESI) program. The notices established conditions for marketing these products and identical, similar, or related products § 310.6 (21 CFR 310.6), whether or not they had been marketed and whether or not they were subjects of approved NDA's. FDA required distributors and manufacturers to have ANDA's (conditionally approved, pending the results of ongoing studies) to market controlled-release nitroglycerin products not the subject of NDA's. If at least one drug sponsor was conducting clinical studies on a chemical entity, FDA permitted the marketing of all firms' products containing the same chemical entity in a similar dosage form, provided each product met the other conditions estatblished in the notices. Not all sponsors, therefore, were required to conduct clinical studies. Because bioavailability is specific for an individual product, however, FDA required each firm to conduct a bioavailability study on its own product.

In a notice published in the **Federal Register** of September 7, 1984 (49 FR 35428), after completing its review of the clinical studies submitted for single-entity controlled-release nitroglycerin capsules and tablets, FDA announced that it had concluded that these drugs are effective for prevention for angina pectoris. The notice set forth the marketing and labeling conditions for the products. It required sponsors of these products seeking full approval to submit supplements providing acceptable in vitro dissolution tests and in vivo bioavailability/bioequivalence studies. The September 1984 notice stated that applications not fully approved within 1 year would be subject to proceedings to withdraw the previous approval and to remove the products from the market. This deadline was extended to June 26, 1987, in a notice published in the **Federal Register** of December 26, 1985 (50 FR 52856).

The sponsors of the drug products listed in section II of this document are not in compliance with the notices of September 7, 1984, and December 26, 1985, in that they either have not submitted any bioavailability/bioequivalence data or have not submitted additional data on incomplete or inadequate studies. Accordingly, this notice reclassifies these products as lacking substantial evidence of effectiveness, proposes to withdraw approval of their applications, and offers an opportunity for a hearing on the proposal.

II. NDA's and ANDA's Known by FDA to be Subject to This Notice

1. NDA 16–447; Nitrospan (controlled-release) Capsules containing 2.5 milligrams (mg) nitroglycerin per capsule; Rhone–Poulenc Rorer Pharmaceutical, Inc. (formerly held by USV Laboratories), 500 Arcola Rd., Collegeville, PA 19426–0107.

2. NDA 16–518; Nitro–Bid (controlled-release) Capsules containing 2.5 mg nitroglycerin per capsule; Hoechst Marion Roussel (formerly held by Marion Laboratories, Inc.), 10236 Marion Park Dr., Kansas City, MO 64137.

3. NDA 16–975; Nitro–Bid (controlled-release) Capsules containing 6.5 mg nitroglycerin per capsule; Hoechst Marion Roussel.

4. NDA 17–384; Nitrong (controlled-release) Tablets containing 2.6 mg nitroglycerin per tablet; Wharton Laboratories, Inc., Division of U.S. Ethicals, Inc., 37–02 48th Ave., Long Island City, NY 11101.

5. ANDA 86–126; Nitrong (controlled-release) Tablets containing 6.5 mg nitroglycerin per tablet; Wharton Laboratories.

6. ANDA 86–138; Nitrong (controlled-release) Tablets containing 2.6 mg nitroglycerin per tablet; Wharton Laboratories.

7. ANDA 86–214; Nitrospan (controlled-release) Capsules containing 2.5 mg nitroglycerin per capsule; Rhone–Poulenc Rorer.

8. ANDA 86–426; Nitro–Bid (controlled-release) Capsules containing 13 mg nitroglycerin per capsule; Hoechst Marion Roussel.

9. ANDA 86–537; Nitroglycerin Controlled–Release Capsules containing 6.5 mg of the drug per capsule; KV Pharmaceutical Co., 2503 South Hanley Rd., St. Louis, MO 63144–2555.

10. ANDA 86–787; Sustac (controlled-release) Tablets containing 10 mg nitroglycerin per tablet; Forest Laboratories, 909 Third Ave., New York, NY 10022–4731.

11. ANDA 86–869; Nitrospan (controlled-release) Capsules containing 6.5 mg of nitroglycerin per capsule; Rhone–Poulenc Rorer.

12. ANDA 87–229; Nitrobon (controlled-release) Capsules containing 2.5 mg nitroglycerin per capsule; Inwood Laboratories, Inc., Division of Forest Laboratories, Inc., 909 Third Ave., New York, NY 10022–4731.

13. ANDA 87–544; Nitrobon (controlled-release) Capsules containing 6.5 mg nitroglycerin per capsule; Inwood Laboratories (formerly held by Ascot Hospital Pharmaceuticals, Inc.).

14. ANDA 87–715; Nitrong (controlled-release) Tablets containing 9 mg nitroglycerin per tablet; Wharton Laboratories.

15. ANDA 87–814; Nitro–Time (controlled-release) Capsules containing 2.5 mg nitroglycerin per capsule; Time–Cap Laboratories, 7 Michael Ave., Farmingdale, NY 11735.

16. ANDA 87–815; Nitro–Time (controlled-release) Capsules containing 6.5 mg nitroglycerin per capsule; Time–Cap Laboratories.

17. ANDA 87–816; Nitro–Time (controlled-release) Capsules containing 9 mg nitroglycerin per capsule; Time–Cap Laboratories.

18. ANDA 87–975; Nitroglycerin Controlled–Release Capsules containing 2.5 mg of the drug per capsule; Eon Labs Manufacturing, Inc. (formerly held by The Vitarine Co.), 227–15 North Conduit Ave., Laurelton, NY 11413.

19. ANDA 87–976; Nitroglycerin Controlled–Release Capsules containing 6.5 mg of the drug per capsule; Eon Labs Manufacturing.

20. ANDA 88–435; Nitrocardin Sustained Action Capsules containing 2.5 mg nitroglycerin per capsule; Sidmak Laboratories, Inc., P.O. Box 371, East Hanover, NJ 07936.

21. ANDA 88–436; Nitrocardin Sustained Action Capsules containing 6.5 mg nitroglycerin per capsule; Sidmak Laboratories.

22. ANDA 88–437; Nitrocardin Sustained Action Capsules containing 9 mg nitroglycerin per capsule; Sidmak Laboratories.

23. ANDA 88–509; Nitroglycerin Controlled–Release Capsules containing 9 mg of the drug per capsule; Eon Labs Manufacturing (formerly held by Phoenix Pharmaceutical, Inc.).

III. Notice of Opportunity for a Hearing

On the basis of all the data and information available to her, the Director of the Center for Drug Evaluation and Research is unaware of any adequate and well-controlled clinical investigation, conducted by experts who are qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), 21 CFR 314.126, and 21 CFR part 320 that demonstrates effectiveness (i.e., bioavailability/bioequivalence) of the drugs listed in section II of this document and that is in compliance with the conditions established in the September 7, 1984, and December 26, 1985, notices for continued marketing.

Therefore, notice is given to the holders of the NDA's and ANDA's listed in section II of this document and to all other interested persons that the Director of the Center for Drug Evaluation and Research proposes to issue an order under section 505(e) of the act withdrawing approval of the applications and all amendments and supplements thereto on the ground that new information before her with respect to the drug products, evaluated together with the evidence available to her when the applications were approved, shows there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holders of the applications specifically named previously, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product, not the subject of an approved application, that is identical, related, or similar to a drug product named in section II of this document, as defined in § 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that they manufacture or distribute. Such manufacturers or distributors may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Prescription Drug Compliance and Surveillance (address above).

This notice of opportunity for a hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act (21 U.S.C. 3241(p)) or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act and the regulations issued under it (parts 310 and 314 (21 CFR parts 310 and 314)), an applicant and all other persons subject to this notice are hereby given an opportunity for hearing to show why approval of the applications should not be withdrawn.

An applicant or any other person subject to this notice who decides to seek a hearing shall file: (1) On or before May 20, 1999, a written notice of appearance and request for hearing, and (2) on or before June 21, 1999, the data, information, and analyses relied on to demonstrate that there is a genuine issue of material fact to justify a hearing, as specified in § 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for a hearing, a notice of appearance and request for a hearing, information and analyses to justify a hearing, other comments, and a grant or denial of a hearing are contained in §§ 314.150, 314.151, and 314.200 and in 21 CFR part 12.

The failure of an applicant or any other person subject to this notice to file a timely written notice of appearance and request for hearing, as required by § 314.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed and a waiver of any contentions concerning the legal status of that person's drug product(s). Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions under this notice of opportunity for a hearing are to be filed in four copies. Except for data and information prohibited from public disclosure under section 301 of the act (21 U.S.C. 331(j)) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 505 of the act and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82).

Dated: April 13, 1999.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 99–9770 Filed 4–19–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–R–70]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Information Collection Requirements in HSQ–110, Acquisition, Protection and Disclosure of Peer Review Organization Information and Supporting Regulations in 42 CFR, 476.104, 476.105, 476.116, and 476.134;

Form No.: HCFA–R–70 (OMB# 0938–0426);

Use: ''Medicare Disclosure Information, Regulatory'' The Peer Review Improvement Act of 1982 authorizes PRO's to acquire information necessary to fulfill their duties and functions and places limits on disclosure of the information. These requirements are on the PRO to provide notices to the affected parties when disclosing information about them. These requirements serve to protect the rights of the affected parties;

Frequency: On occasion;

Affected Public: Business or other for-profit, Individuals or Households, and Not-for-profit institutions;

Number of Respondents: 53;

Total Annual Responses: 53;

Total Annual Hours: 30,789.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 12, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–9804 Filed 4–19–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–2029–FN]

RIN 0938–AJ42

Medicare Program; Recognition of the Community Health Accreditation Program, Inc. (CHAP) for Hospices

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

SUMMARY: This notice recognizes the Community Health Accreditation Program, Inc. (CHAP) as a national accreditation organization for hospices that request participation in the Medicare program. We believe that accreditation of hospices by CHAP demonstrates that all Medicare hospice conditions of participation are met or exceeded. Thus, we grant deemed status to those hospices accredited by CHAP. The proposed notice included the application from the Joint Commission for Accreditation of Healthcare Organizations (JCAHO). We have separated the final notices to appropriately process each application and will issue a separate final notice containing the decision for JCAHO under HCFA–2039–FN.

EFFECTIVE DATE: This final notice is effective April 20, 1999 through November 20, 2003.

FOR FURTHER INFORMATION CONTACT: Joan C. Berry, (410) 786–7233.

SUPPLEMENTARY INFORMATION:

I. Background

A. Laws and Regulations

Under the Medicare program, eligible beneficiaries may receive covered palliative services in a hospice provided certain requirements are met. The regulations specifying the Medicare conditions of participation for hospice care are located in 42 CFR part 418. These conditions implement section 1861(dd) of the Social Security Act (the Act), which specifies services covered as hospice care and the conditions that a hospice program must meet in order to participate in the Medicare program.

Generally, in order to enter into an agreement with Medicare, a hospice must first be certified by a State survey agency as complying with the conditions or standards set forth in part 418 of the regulations. Then, the hospice is subject to routine surveys by a State survey agency to determine whether it continues to meet Medicare requirements. There is an alternative, however, to surveys by State agencies.

Current section 1865(b)(1) of the Act permits ''accredited'' hospices to be exempt from routine surveys by State survey agencies to determine compliance with Medicare conditions of participation. Accreditation by an accreditation organization is voluntary and is not required for Medicare certification. Section 1865(b)(1) of the Act provides that, if a provider is accredited by a national accreditation body that has standards that meet or exceed the Medicare conditions, the Secretary can ''deem'' that hospice as having met the Medicare requirements.

We have rules at part 488 that set forth the procedure we use to review applications submitted by national accreditation organizations requesting our approval. A national accreditation organization applying for approval must furnish to us information and materials listed in the regulations at § 488.4. The regulations at § 488.8 (''Federal review of accreditation organizations'') detail the Federal review and approval process of applications for recognition as an accrediting organization. On April 26, 1996, however, new legislation entitled ''Omnibus Consolidated Rescissions and Appropriations Act of 1996'' (Pub. L. 104–134) was enacted.

Section 1865(b)(3)(A) of the Act, as amended by section 516 of Pub. L. 104–134, requires us to publish a notice in the **Federal Register** within 60 days after receiving an accreditation organization's written request that we make a determination regarding whether its accreditation requirements meet or exceed Medicare requirements. Section 1865(b)(3)(A) of the Act also requires that we identify in the notice the organization and the nature of the request and allow a 30-day comment period. This section further requires that we publish a notice of our approval or disapproval within 210 days after we receive a complete package of information and the organization's application.

B. Proposed Notice

On September 11, 1998, we published a proposed notice (63 FR 48735) announcing the requests of CHAP and JCAHO for our approval as national accreditation organizations for hospices. In the notice, we detailed the factors on which we would base our evaluation. (We inadvertently gave the citation for the regulations governing our evaluation as § 488.8, ''Federal review of accreditation organizations,'' rather than as § 488.4, ''Application and reapplication procedures for accreditation organizations.'') Under section 1865(b)(2) of the Act and our regulations at § 488.4, our review and evaluation of the CHAP application were conducted in accordance with the following factors:

- A determination that CHAP is a national accreditation body, as required by the Act.
- A determination of the equivalency of CHAP's requirements for a hospice to our comparable hospice requirements.
- A review of CHAP's survey processes to determine the following:

—The comparability of CHAP's processes to those of State agencies, including survey frequency; its ability to investigate and respond

appropriately to complaints against accredited facilities; whether surveys are announced or unannounced; and the survey review and decision-making process for accreditation.

—The adequacy of the guidance and instructions and survey forms CHAP provides to surveyors.

—CHAP's procedures for monitoring providers or suppliers found to be out of compliance with program requirements. (These procedures are used only when CHAP identifies noncompliance.)

• The composition of CHAP's survey team, surveyor qualifications, the content and frequency of the in-service training provided, the evaluation systems used to assess the performance of surveyors, and potential conflict-of-interest policies and procedures.

• CHAP's data management system and reports used to assess its surveys and accreditation decisions, and its ability to provide us with electronic data.

• CHAP's procedures for responding to complaints and for coordinating these activities with appropriate licensing bodies and ombudsmen programs.

• CHAP's policies and procedures for withholding or removing accreditation from a facility that fails to meet its standards or requirements.

• A review of all types of accreditation status CHAP offers and an assessment of the appropriateness of those for which CHAP seeks deemed status.

• A review of the pattern of CHAP's deemed facilities (that is, types and duration of accreditation and its schedule of all planned full and partial surveys).

• The adequacy of CHAP's staff and other resources to perform the surveys, and its financial viability.

• CHAP's written agreement to—

—Meet our requirements to provide to all relevant parties timely notifications of changes to accreditation status or ownership, to report to all relevant parties remedial actions or immediate jeopardy, and to conform its requirements to changes in Medicare requirements; and

—Permit its surveyors to serve as witnesses for us in adverse actions against its accredited facilities.

We received no comments on our proposed notice.

II. Review and Evaluation

Our review and evaluation of the CHAP application, which were conducted as detailed above, yielded the following information.

Differences between the Community Health Care Program, Inc. (CHAP) and Medicare Conditions and Survey Requirements

We compared the standards contained in the CHAP 1997 ''Standards of Excellence for Hospice Organizations'' with CHAP's survey process outlined in its training materials and ''Hospice Surveyor Operations Manual,'' which incorporates our 1994 guidelines to the Medicare hospice conditions and survey procedures. In 13 areas CHAP has made the following revisions or clarifications:

• *No surveys prior to enrollment form verification.* State survey agencies do not conduct health and safety inspections until a hospice has submitted a ''Medicare and Other Federal Health Care Program General Enrollment Health Care Provider/Supplier Application'' (Form HCFA–855) that the servicing fiscal intermediary has reviewed and approved. CHAP has provided written assurance that ''It is CHAP's policy not to conduct a deemed status accreditation survey until an organization is properly enrolled in the Medicare program.'' In addition, CHAP has added a blanket statement that an organization must meet not only ''All state licensure laws, Certificate of Need (CON) requirements or other state regulations and standards,'' but ''Federal requirements'' as well.

• *Unannounced surveys (Reference § 488.4(a)(3)(v)).* Current CHAP procedures contain the following statement regarding unannounced surveys for Medicare-certified home health agencies: ''All visits to Medicare home health agencies will be unannounced. The specific timing of the visit is determined by the CHAP's Board of Review and no one from the applicant organization will be informed of the dates.'' We expect that a similar statement will be added for Medicare-certified hospices that elect the deemed status option. CHAP has agreed to add this language to its hospice procedures.

• *Core services.* Medicare requires that substantially all core services (nursing, medical social services, and counseling services) be provided directly by hospice employees, the only exception being during times of peak patient loads or under extraordinary circumstances. CHAP responded by revising its standards to require that a hospice program employ sufficient staff to provide all core services or provide documentation describing unusual or extraordinary circumstances necessitating the use of contracted staff for these services.

• *Notification when required services are not provided.* Medicare-certified hospices are required by section 1861(dd)(1) of the Act to provide routinely the following services: nursing care, medical social services, and counseling. CHAP has agreed that when it becomes aware that any Medicare-certified hospice is not providing one or more of these core services, we shall be promptly notified.

• *Change of status notification.* We require prompt notification from the accreditation organizations regarding hospice changes of ownership, hospice mergers, hospice site expansions, withdrawals from accreditation, and involuntary terminations from accreditation by the accreditation organization, because those actions require certification and enrollment actions by us, the fiscal intermediary, or the State survey agency. CHAP has stipulated in writing that its ''home care policy and practice to provide prompt notification to HCFA of changes in ownership, mergers, site expansion, withdrawals or involuntary termination'' will be applied to the hospice program.

• *Accreditation survey review and decision-making process (Reference § 488.4(a)(3)(iii)).* CHAP has responded to two requests we made for clarification regarding current CHAP terminology in its accreditation application under the heading, ''CHAP Accreditation Policies and Procedures'':

—*Deferral of action.* CHAP has confirmed that facilities in deferral are not considered accredited.

—*Warnings.* CHAP has confirmed that it issues a warning to an accredited entity that ''has made limited progress regarding required actions and recommendations or has demonstrated a decline in meeting CHAP standards since the last appraisal based on a site visit or progress report.'' We have also received assurance that the time frames for reaching a decision on whether or not to withdraw accreditation for these entities are comparable to those we use for State-surveyed facilities.

• *Contracted services.*

—Some of the requirements in § 418.56 did not appear to be included in CHAP standards. CHAP provided clarifying cross references and revised pages, demonstrating that its standards do incorporate all of the requested requirements.

—The requirement for retaining fiscal responsibility needed to be included for all contracted services, not just inpatient care contracts. CHAP revised its standard to read, ''the hospice program retains professional

management and fiscal responsibilities for patient care when services are provided under arrangement with contractors.''

• *Millennium updates.* CHAP has provided us with its plans to ensure that deemed hospices maintain equipment and systems to sustain the quality of patient care through the millennium updates.

• *Data exchange.* CHAP has assured us that it has the ability to provide us with timely electronic survey data and validation of survey findings for all Medicare-certified hospices that have elected the deemed status option.

• *Qualified social worker.* Medicare requires that medical social services be provided by a qualified social worker under the direction of a physician. Medicare defines a hospice social worker at § 418.3 as ''a person who has at least a bachelor's degree from a school accredited or approved by the Council on Social Work Education.'' CHAP's standard required that social work services be provided by a qualified social worker or social worker assistant. CHAP has provided revised language for its related standard to require that ''social work services are provided under the direction of a physician by a person who has at least a bachelor's degree from a school accredited or approved by the Council on Social Work Education'' and that the services are in agreement with the patient's plan of care.

• *Home health aide supervision.* Medicare requires at § 418.94(a) that a registered nurse visit the home site at least every 2 weeks when aide services are being provided and that the visit include an assessment of the aide services. In addition, Medicare requires that a registered nurse provide written instructions for patient care. CHAP's standard required that nursing and home health aide services always be provided under the supervision of a qualified registered nurse, available at all times, but made no reference to biweekly, direct (in-person) supervision and assessment. CHAP responded by clarifying how these requirements were covered at HIII.1d4(c) in its ''Standards of Excellence for Hospice Organizations'': ''Written instructions prepared by an RN are provided to paraprofessional staff for care plan compliance.'' CHAP further stipulates at HIII.1d4(b) that a home health aide's performance is evaluated by a registered nurse every 2 weeks.

• *Inpatient care.*

—The Medicare standard requires at § 418.98(c) that the total number of inpatient care days used by Medicare beneficiaries not exceed 20 percent of the total number of hospice days for this group of beneficiaries in any 12-month period preceding a certification survey. We could not find this standard in the application. CHAP responded by clarifying how this requirement was covered at HII6.a1 in its ''Standards for Excellence for Hospice Organizations'': ''The hospice program reviews total inpatient days routinely in any 12 month period to prevent Medicare clients from exceeding 20% of the total number of hospice days.''

—Another Medicare standard requires at § 418.100(a) that hospices providing inpatient care directly provide 24-hour nursing services that are sufficient to meet total nursing needs and that are in accordance with the patient's plan of skilled care. We asked CHAP to provide evidence that this standard was included in its requirements. CHAP responded by clarifying how this requirement was covered at Item 17 of HIII.1i in its ''Standards for Excellence for Hospice Organizations'': ''Inpatient facilities provide 24 hour nursing services, including a registered nurse on each shift, which are sufficient to meet total nursing needs and which are in accordance with the patient plan of care.''

• *Storage of drugs.* Medicare standards require at § 418.100(k)(6) that separately locked compartments be provided for storage of Schedule II drugs and other drugs subject to abuse. CHAP's standard did not include ''other drugs subject to abuse'' in the list of drugs to be stored in separately locked compartments. CHAP revised its standard by adding ''Separately locked compartment for Schedule II drugs and other drugs subject to abuse (multidose containers)'' at H.III.4 in CHAP's ''Standards of Excellence for Hospice Organizations.''

In addition to these changes, CHAP provided a revised crosswalk (table showing the match between CHAP's standards and ours) incorporating all the changes necessitated by our requests.

III. Results of Evaluation

We completed a standard-by-standard comparison of CHAP's conditions or requirements for hospices to determine whether they met or exceeded Medicare requirements. We found that, after requested revisions were made, CHAP's requirements for hospices did meet or exceed our requirements. In addition, we visited the corporate headquarters of CHAP to validate the information it submitted and to verify that its administrative systems could adequately monitor compliance with its standards and survey processes and that its decision-making documentation and processes met our standards. We also observed a survey in real time to see that it met or exceeded our standards. As a result of our review of the documents and observations, we requested certain clarifications to CHAP's survey and communications processes. These clarifications were provided as indicated above, and changes were made to the documentation in the applications. Therefore, we recognize CHAP as a national accreditation organization for hospices that request participation in the Medicare program, effective April 20, 1999 through November 20, 2003.

IV. Paperwork Reduction Act

This document does not impose any information collection and record keeping requirements subject to the Paperwork Reduction Act (PRA). Consequently, it does not need to be reviewed by the Office of Management and Budget (OMB) under the authority of the PRA. The requirements associated with granting and withdrawal of deeming authority to national accreditation, codified in part 488, ''Survey, Certification, and Enforcement Procedures,'' are currently approved by OMB under OMB approval number 0938–0690, with an expiration date of August 31, 1999.

V. Regulatory Impact Statement

We have examined the impacts of this notice as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (P.L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). The RFA requires agencies to analyze options for regulatory relief for small businesses. For purposes of the RFA, States and individuals are not considered small entities.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis for any notice that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we consider a small rural hospital as a hospital that is located outside of

a Metropolitan Statistical Area and has fewer than 50 beds.

This notice merely recognizes CHAP as a national accreditation organization for hospices that request participation in the Medicare program. As evidenced by the following data for the cost of surveys, there are neither significant costs nor savings for the program and administrative budgets of Medicare. Therefore, this notice is not a major rule as defined in Title 5, United States Code, section 804(2) and is not an economically significant rule under Executive Order 12866.

Therefore, we have determined, and the Secretary certifies, that this notice will not result in a significant impact on a substantial number of small entities and will not have a significant effect on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act.

In fiscal year 1996, there were 2,148 certified hospices participating in the Medicare program. We conducted 258 initial surveys, 322 recertification surveys (both at a cost of $634,904), and 145 complaint surveys.

In fiscal year 1997, there were 2,270 certified hospices. This was an increase of 122 facilities. We conducted 180 initial surveys, 354 recertification surveys (both at a cost of $330,686), and 237 complaint surveys.

In fiscal year 1998, there were 2,290 certified hospices. This was an increase of 20 facilities. We conducted 126 initial surveys, 196 recertification surveys (both at a cost of $360,783), and 201 complaint surveys.

As the data above indicate, the number of hospices and the cost for conducting hospice surveys by State agencies are increasing. There was a 6.6 percent increase in hospices within 3 years (fiscal years 1996 through 1998). The fiscal year 1999 appropriation for hospice survey activities was not increased, and these surveys were included within the lowest priority category. This appropriation does not allow sufficient resources for some regions to meet the survey demand, especially for resurvey activity, which remains a small proportion of eligible facilities (less than 9 percent for a maximum resurvey once every 12 years). Hospices accredited by CHAP would be surveyed every 3 years. The numbers of participating providers continue to increase. In an effort to better assure the health, safety, and services of beneficiaries in hospices already certified, as well as to provide relief to State budgets in this time of tight fiscal constraints, we deem hospices accredited by CHAP as meeting our Medicare requirements. Thus, we continue our focus on assuring the health and safety of services by providers and suppliers already certified for participation in a cost-effective manner.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by OMB.

Authority: Section 1865(b)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(b)(3)(A)).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: March 1, 1999.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 99–9802 Filed 4–19–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–21]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: May 20, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 15, 1999.

David S. Cristy,

Director, ISP and Management.

Title of Proposal: Consolidated Plan.

Office: Community Planning and Development.

OMB Approval Number: 2506–0117.

Description of the Need for the Information and its Proposed Use: Based on 24 CFR Parts 91 et. al. each jurisdiction receiving formula allocated funds under the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) Program, the Emergency Shelter Grants (ESG), or Housing Opportunities for Persons with HIV/AIDS (HOPWA) program, must submit a Consolidated Plan establishing an overall three- to five-year strategy for use of these funds and a one year action plan detailing individual projects. The information collection includes narrative requirements such as statements of goals, objectives, and priorities for funds, and tabular information describing priorities for funds, and tabular information describing priority housing, homeless and community development needs. Information is also collected regarding programmatic accomplishments and annual performance of States and localities receiving formula allocated funds under these programs in accordance with statutory and regulatory requirements found in Title I of the HCDA of 1974,

NAHA of 1992, and in CFR 24 Part 91.520.

Form Number: 40090 and 20091.

Respondents: State, Local, or Tribal Government.

Frequency of Submission: Annually and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Consolidated Plan:							
Localities	1,000		1		332		332,025
States	50		1		978		48,900
Performance Report:							
Localities	1,000		1		150		150,000
States	50		1		240		12,000
Abbreviated Strategy	100		1		70		7,000

Total Estimated Burden Hours: 549,925.

Status: Reinstatement with changes.

Contact: Sal Sclafani, HUD, (202) 708–1283 x4364, Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: April 15, 1999.

[FR Doc. 99–9859 Filed 4–19–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; As Amended; Revisions to an Existing System of Records

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended(5 U.S.C. 552a), the Office of the Secretary (OS) is issuing public notice of its intent to modify an existing Privacy Act system of records notice, OS–72, ''FECA Chargeback Case File.'' The revisions will update the number of the system, the retrievability statement, and the address of the system locations and system managers.

EFFECTIVE DATE: These actions will be effective April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Director, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Department of the Interior is proposing to amend the system notice for OS–72, ''FECA Chargeback Case File,'' to update the number of the system to more accurately reflect its Department-wide scope, the retrievability statement and the addresses of the system locations and system managers to reflect changes that have occurred since the notice was last published. Accordingly, the Department of the Interior proposes to amend the ''FECA Chargeback Case File,'' OS–72, system notice in its entirety to read as follows:

Sue Ellen Sloca,

Office of the Secretary, Privacy Act Officer, National Business Center.

INTERIOR/DOI–72

SYSTEM NAME:

FECA Chargeback Case Files—Interior, DOI–72.

SYSTEM LOCATION:

(1) Employee and Labor Relations Group, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

(2) Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue, NW, Washington, DC 20245.

(3) U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(4) U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington, DC 20240.

(5) Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(6) Bureau of Land Management, Division of Personnel (530), 1849 C Street NW, Washington, DC 20240.

(7) National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW, Washington, DC 20240.

(8) Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(9) Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Departmental employees and dependents receiving compensation payments through the Federal Employees' Compensation Act (FECA) which are being charged back to the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and Social Security account number of individual being compensated, date of injury and/or death, last payment date, type of payment (whether medical bills or compensation), occupation code at time of injury, grand total of amount paid. Records appear on lists which result from a computer match of the Department of the Interior's ''Safety Management Information System,'' DOI–60, files with the Department of Labor, Office of Workers' Compensation Program's ''Federal Employees Compensation Act Chargeback File,'' DOL/ESA–15, files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5 U.S.C. 8147, 31 U.S.C. 66a, and E.O. 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The primary purpose of the system is to determine the validity of Federal Employees Compensation Act chargebacks to the Department of the Interior.

Note: Records are generated in a computer matching process. When no match occurs, records are furnished to bureaus to determine why no match occurred. Resolution of the investigation of why no match occurred may include a request to the Department of Labor, Office of Workers' Compensation Programs, that future charges be referred to another agency or that the Department of Labor discontinue payments and possibly initiate civil or criminal prosecution proceedings against the claimant.

Disclosures outside the Department of the Interior may be made:

(1) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body with jurisdiction when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the

Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled.

(2) To appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license, when the disclosing agency becomes aware of a violation or potential violation of a statute, rule, regulation, order or license.

(3) To a congressional office in response to an inquiry an individual has made to the congressional office.

(4) To another Federal, State or local agency for the purpose of obtaining information regarding payments being made to claimants.

(5) To the Department of Labor, as necessary, to transmit information on results of investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Quarterly, computer-generated, lists are stored in file folders.

RETRIEVABILITY:

Records are retrieved by name of individual and bureau of employment.

SAFEGUARDS:

Access to records is limited to authorized personnel. Records are maintained in locked metal filing cabinets.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after close of investigations.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Team Leader, Employee and Labor Relations Group, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

(2) Personnel Officer, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue, NW, Washington, DC 20245.

(3) Personnel Officer, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(4) Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington, DC 20240.

(5) Labor Relations Officer, Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(6) Personnel Officer, Bureau of Land Management, Division of Personnel (530), 1849 C Street NW, Washington, DC 20240.

(7) Personnel Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW, Washington, DC 20240.

(8) Personnel Officer, Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(9) Personnel Officer, Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, include the current and all former names by which the individual has been known, and comply with the content requirements of 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

An individual requesting access to records maintained on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requester, include the current and all former names by which the individual has been known, along with the Social Security account number of the individual, and comply with the requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

An individual requesting amendment of a record maintained on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, include the current and all former names by which the individual has been known, along with the Social Security account number of the individual, and comply with the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Records in this system are generated whenever a case listed in the Department of Labor, Office of Workers' Compensation Program's ''Federal Employees'' Compensation Act Chargeback File,'' DOL/ESA–15, files does not match a case in the Department of the Interior's ''Safety Management Information System, '' DOI–60, files.

[FR Doc. 99–9826 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–RJ–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; As Amended; Deletion of an Existing System of Records

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed deletion of an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary is issuing public notice of its intent to delete an existing Privacy Act system of records notice, OS–65, ''Biography File.''

EFFECTIVE DATE: This action will be effective on April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Director, Office of Communications, MS–6013 MIB, 1849 C Street NW, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: In this notice, the Department of the Interior is deleting OS–65, ''Biography File,'' because a system of records, accessible by the names of senior agency officials, is no longer being maintained by the Office of Communications.

Sue Ellen Sloca,

Office of the Secretary Privacy Act Officer, National Business Center.

INTERIOR/OS–65

SYSTEM NAME:

Biography File—Interior, OS–65.

ORIGINAL FEDERAL REGISTER PUBLICATION CITATION:

51 FR 28628, August 8, 1986.

REASON FOR DELETION:

The Office of Communications no longer maintains a file of biographical sketches of senior agency officials.

DISPOSITION OF RECORDS:

All records have been disposed of, in accordance with General Records Schedule No. 14, Item 6.

[FR Doc. 99–9827 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–RV–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; As Amended; Revisions to an Existing System of Records

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary is issuing public notice of its intent to modify an existing Privacy Act system of records notice, OS–74, ''Grievance Records.'' The revisions will update the number of the system, the authority statement and the addresses of the system locations and system managers.

EFFECTIVE DATE: These actions will be effective on April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Director, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Department of the Interior is proposing to amend the system notice for OS–74, ''Grievance Records,'' to update the number of the system to more accurately reflect its Department-wide scope, the authority for maintenance of the system statement and the addresses of the system locations and system managers to reflect changes that have occurred since the notice was last published. Accordingly, the Department of the Interior proposes to amend the ''Grievance Records,'' OS–74, system notice in its entirety to read as follows:

Sue Ellen Sloca,

Office of the Secretary Privacy Act Officer, National Business Center.

INTERIOR/DOI–74

SYSTEM NAME:

Grievance Records—Interior, DOI–74.

SYSTEM LOCATION:

(1) Departmental office: Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

(2) Bureau personnel offices:

(a) Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW, Washington, DC 20245.

(b) U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(c) U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington, DC 20240.

(d) Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(e) Bureau of Land Management, Division of Personnel (530), 1849 C Street NW, Washington, DC 20240.

(f) National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW, Washington, DC 20240.

(g) Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(h) Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

(3) Administrative components of the offices (within the bureaus listed above) in which the grievances were filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Departmental employees filing grievances in accordance with 370 DM 771.

CATEGORIES OF RECORDS IN THE SYSTEM:

All documents related to internal grievances filed with any part of the Department, including, but not limited to: Statements of witnesses, reports of interviews and hearings, examiners' findings and recommendations, correspondence and exhibits, and (a copy of) the original and final decisions on the grievances filed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1958 Comp. p. 218.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The primary purpose of the system is to adjudicate internal grievances.

Disclosures outside the Department of the Interior may be made:

(1) To appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license, when the disclosing agency becomes aware of a violation or potential violation of a statute, rule, regulation, order or license.

(2) To any individual (in the course of processing a grievance) from whom the agency is seeking information relevant to the adjudication of the grievance, to the extent necessary to inform the individual of the purpose of the request for information and to identify the type of information requested.

(3) To a Federal agency which has requested information relevant or necessary to the hiring or retention of an employee, the conducting of a security clearance or suitability investigation, the classifying of a job, the letting of a contract, or the issuing of a license, grant or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) To a congressional office in response to an inquiry an individual has made to the congressional office.

(5) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body with jurisdiction when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled.

(6) To the National Archives and Records Adminstration for records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

(7) To any individual in the form of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. (Note: While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individuality identifiable by inference.)

(8) To the Office of Personnel Management, the Merit Systems Protection Board (and its Office of the Special Counsel), the Federal Labor Relations Authority (and its General Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized functions.

(9) To officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to allow them to perform their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by the names of individuals filing internal grievances.

SAFEGUARDS:

Access to records is limited to authorized personnel. Record are maintained in locked metal filing cabinets.

RETENTION AND DISPOSAL:

Records compiled under 370 DM 771 are destroyed 3 years after the date of final closing of the case. Records compiled under a negotiated procedure are disposed of in accordance with approved records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Departmental office: Director, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

(2) Bureau personnel offices:

(a) Director of Administration, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW, Washington, DC 20245.

(b) Personnel Officer, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(c) Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington, DC 20240.

(d) Labor Relations Officer, Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(e) Personnel Officer, Bureau of Land Management, Division of Personnel (530), 1849 C Street NW, Washington, DC 20240.

(f) Personnel Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW, Washington, DC 20240.

(g) Personnel Officer, Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(h) Personnel Officer, Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

(3) Administrative officers of the offices (within the bureaus listed above) in which the grievances were filed. (Contact the appropriate bureau system manager to obtain the address of the office system manager.)

NOTIFICATION PROCEDURES:

Individuals filing grievances with the Department are given a copy of their records as a part of the official grievance process. If, however, at any later time an individual also wishes to request notification of the existence of records on him or her, he or she should address his or her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and contain the following information: name and birth date of requestor, approximate date of closing of the case, type of action taken, and agency component involved. (See 43 CFR 2.60.)

RECORD ACCESS PROCEDURES:

Individuals filing grievances with the Department are given a copy of their records as a part of the official grievance process. If, however, at any later time an individual also wishes to request a copy of records maintained on him or her, he or she should address his or her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and contain the following information: name and birth date of requestor, approximate date of closing of the case, type of action taken, and agency component involved. (See 43 CFR 2.63.)

CONTESTING RECORD PROCEDURES:

If an individual who has filed a grievance with the Department wishes to request amendment of his/her records, to correct factual errors, he or she should address his or her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and contain the following information: name and birth date of requestor, approximate date of closing of the case, type of action taken, and agency component involved. (See 43 CFR 2.71.)

Note: Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of these requests will be restricted to determining if the record accurately documents the action of the agency ruling on the case and will not include a review of the merits of the action, determination, or finding.

RECORD SOURCE CATEGORIES:

Individuals filing grievances, witnesses providing testimony, organizations or persons providing information via correspondence, agency officials, and grievance examiners and/or arbitrators.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–9828 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–RJ–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; As Amended; Revisions to an Existing System of Records

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary is issuing public notice of its intent to modify an existing Privacy Act system of records notice, OS–78, ''Negotiated Grievance Procedure Files.'' The revisions will update the number of the system, the authorities, storage, retrievability, safeguards, and retention and disposition statements, and the addresses of the system locations and system managers.

EFFECTIVE DATE: These actions will be effective on April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Team Leader, Employee and Labor Relations Group, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW., MS–5221 MIB, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Department of the Interior is proposing to amend the system notice for OS–78, ''Negotiated Grievance Procedure Files,'' to update the number of the system to more accurately reflect its Department-wide scope, the authority for maintenance of the system, storage, retrievability, safeguards, and retention and disposition statements, and the addresses of the system locations and system managers to reflect changes that have occurred since the notice was last published. Accordingly, the Department of the Interior proposes to amend the ''Negotiated Grievance Procedure Files,'' OS–78, in its entirety to read as follows:

Sue Ellen Sloca,

Office of the Secretary Privacy Act Officer, National Business Center.

INTERIOR/DOI–78

SYSTEM NAME:

Negotiated Grievance Procedures Files—Interior, DOI–78.

SYSTEM LOCATION:

(1) Employee and Labor Relations Group, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW., MS–5221 MIB, Washington, DC 20240.

(2) Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW., Washington, DC 20245.

(3) U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(4) U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW., Washington, DC 20240.

(5) Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(6) Bureau of Land Management, Division of Personnel (530), 1849 C Street NW., Washington, DC 20240.

(7) National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW., Washington, DC 20240.

(8) Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(9) Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW., Washington, DC 20245.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Departmental employees filing grievances/complaints.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal grievances and complaints; name, address, and other personal information about individuals filing grievances and complaints; transcripts of hearings (if held); and relevant information about other individuals in complainants' work units.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7100.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary purpose of the system is to adjudicate grievances and complaints.

Disclosures outside the Department of the Interior may be made:

(1) To the Federal Labor Relations Authority.

(2) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body with jurisdiction when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled.

(3) To appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license, when the disclosing agency becomes aware of a violation or potential violation of a statute, rule, regulation, order or license.

(4) To a congressional office in response to an inquiry an individual has made to the congressional office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in both manual and electronic format.

RETRIEVABILITY:

Records are retrieved by name of individual filing grievance or complaint and Docket or Case Number.

SAFEGUARDS:

Access to records is limited to authorized personnel. Manual records are stored in locked metal file cabinets or in metal file cabinets in secured premises. Electronic records are maintained with access controls meeting the requirements of 43 CFR 2.51

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with General Records Schedule No. 1, Item 30.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Team Leader, Employee and Labor Relations Group, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW., MS–5221 MIB, Washington, DC 20240.

(2) Director of Administration, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW., Washington, DC 20245.

(3) Personnel Officer, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(4) Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW., Washington, DC 20240.

(5) Labor Relations Officer, Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(6) Personnel Officer, Bureau of Land Management, Division of Personnel (530), 1849 C Street NW., Washington, DC 20240.

(7) Personnel Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW., Washington, DC 20240.

(8) Personnel Officer, Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(9) Personnel Officer, Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW., Washington, DC 20245. .

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and comply with the content requirements of 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

An individual requesting access to records maintained on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and comply with the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

An individual requesting amendment of a record maintained on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and comply with the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals filing grievances and complaints, colleagues and supervisors of complainants, and management officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–9829 Filed 4–19–99; 8:45 am]
BILLING CODE 4310–RJ–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; As Amended; Revisions to an Existing System of Records

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (5. U.S.C. 552a), the Office of the Secretary is issuing public notice of its intent to modify an existing Privacy Act system of records notice, OS–58, ''Administrative Operations Records on Employees.'' The revisions will update the system name and number and the system location and system manager and address statements.

EFFECTIVE DATE: These actions will be effective on April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Director, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The Department of the Interior is proposing to amend the system notice for OS–58, ''Administrative Operations Records on Employees,'' to update the name and number of the system to more accurately reflect its Department-wide scope, and to update the system location and system manager and address statements to provide a current list of specific locations and system managers rather than a generic reference to the Department's organizational structure. Accordingly, the Department of the

Interior proposes to amend the ''Administrative Operations records on Employees,'' OS–58, system notice in its entirety to read as follows:

Sue Ellen Sloca,

Office of the Secretary Privacy Act Officer, National Business Center.

INTERIOR/DOI–58

SYSTEM NAME:

Employee Administrative Records—Interior, DOI–58.

SYSTEM LOCATION:

(1) Departmental personnel office: Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

(2) Bureau personnel offices:

(a) Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW, Washington, DC 20245.

(b) U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(c) U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington, DC 20240.

(d) Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(e) Bureau of Land Management, Division of Personnel (530), 1849 C Street NW, Washington, DC 20240.

(f) National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW, Washington, DC 20240.

(g) Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(h) Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

(3) Administrative components of the offices (within the bureaus listed above) in which individuals covered by the system are employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Employees of the Department of the Interior.

(2) Employees of independent agencies, councils and commissions (which are supported, administratively, by the Office of the Secretary).

CATEGORIES OF RECORDS IN THE SYSTEM:

Records involving the administrative or operational relationships between the employee and the office in which the employee works, including, but not limited to, the following types of records: Workload and productivity records for scheduling purposes; travel activity records; employee time and attendance records; budget records; accident and safety records, property accountability records; study and special project records; committee and detail assignments; locator indexes; parking space assignments; mailing lists; and similar records. These records may contain one or more of the following (or similar) data elements: Name and Social Security number of employee, office telephone number, organizational location, occupational series and grade, position title, organizational title assigned for program management purposes, home address and home telephone number (for emergency contact purposes only).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 5105–5115, 5501–5516, 5701–5709; 31 U.S.C. 66a, 240–243; 40 U.S.C. 483(b); 43 U.S.C. 1467; 44 U.S.C. 3101; Executive Order 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The primary purpose of the system is to support the administration and operation of the offices in which individuals covered by the system are employed. Disclosures outside the Department of the Interior may be made:

(1) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body with jurisdiction when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled.

(2) To appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license, when the disclosing agency becomes aware of a violation or potential violation of a statute, rule, regulation, order or license.

(3) To a congressional office in response to an inquiry an individual has made to the congressional office.

(4) To another Federal agency for related program management purposes when the Department determines that the disclosure is compatible with the purpose for which the records were compiled.

(5) To the public in the form of agency directories of office telephone numbers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper format, in file folders in locked cabinets, and in electronic format, on disk or tape.

RETRIEVABILITY:

Records are retrieved by name of employee or control number assigned to employee.

SAFEGUARDS:

Access to records is limited to authorized personnel. Records are maintained in locked filing cabinets or secure electronic systems.

RETENTION AND DISPOSAL:

Records are retained until completion of the assignment or activity to which they pertain, or until separation of covered employees, at which time they are disposed of in accordance with appropriate records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Departmental office: Director, Office of Personnel Policy, U.S. Department of the Interior, 1849 C Street NW, MS–5221 MIB, Washington, DC 20240.

(2) Bureau personnel offices:

(a) Director of Administration, Bureau of Indian Affairs, Division of Personnel Management, 1951 Constitution Avenue NW, Washington, DC 20245.

(b) Personnel Officer, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

(c) Personnel Officer, U.S. Fish and Wildlife Service, Division of Personnel Management and Organization, 1849 C Street NW, Washington, DC 20240.

(d) Labor Relations Officer, Bureau of Reclamation, PO Box 25001, Denver, CO 80225.

(e) Personnel Officer, Bureau of Land Management, Division of Personnel (530), 1849 C Street NW, Washington, DC 20240.

(f) Personnel Officer, National Park Service, Division of Personnel, Branch of Labor Management Relations, 1849 C Street NW, Washington, DC 20240.

(g) Personnel Officer, Minerals Management Service, Personnel Division, 1110 Herndon Parkway, Herndon, VA 22070.

(h) Personnel Officer, Office of Surface Mining, Division of Personnel, 1951 Constitution Avenue NW, Washington, DC 20245.

(3) Administrative officers of the offices (within the bureaus listed above) in which individuals covered by the system are employed. (Contact the appropriate bureau system manager to

obtain the address of the office system manager.)

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and comply with the content requirements of 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

An individual requesting access to records maintained on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and comply with the requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

An individual requesting amendment of a record maintained on him or her should address his/her request to the appropriate System Manager. The request must be in writing, signed by the requestor, and comply with the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals covered by the system, agency officials, and agency records or documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–9830 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–RJ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–950–5700–77; AZA 25613]

Public Land Order No. 7384; Withdrawal of Public Lands for Expansion of Lake Pleasant; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 1,988.27 acres of public lands from surface entry and mining for a period of 20 years to protect the Bureau of Reclamation's Lake Pleasant expansion area. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Jim Andersen, BLM Phoenix Field Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027, 602–580–5570.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not from leasing under the mineral leasing laws, to protect the Bureau of Reclamation's Lake Pleasant expansion area:

Gila and Salt River Meridian

T. 7 N., R. 1 E.,
  Sec. 12, a portion of the N½NW¼ of lot 2 (C.A.P. Tract No. NW–1–1c).
T. 6 N., R. 1 E.,
  Sec. 3, W½ of lot 10;
  Sec. 10, S½NW¼;
  Sec. 15, SW¼NE¼.
T. 6 N., R. 1 W.,
  Sec. 1, lots 1, 2, 3, 5, 6, and 7, SW¼NE¼, and E½W½SE¼;
  Sec. 12, lot 1 and E½NW¼NE¼;
  Sec. 13, E½ and that portion of the W½ lying east of the east right-of-way boundary of the Castle Hot Springs Road.
T. 7 N., R. 1 W.,
  Sec. 13, W½SW¼SE¼ and SW¼NW¼SE¼;
  Sec. 23, E½NE¼, E½W½NE¼, NE¼SE¼, E½NW¼SE¼, SE¼SE¼, and SW¼SE¼;
  Sec. 24, NW¼ and W½W½NE¼;
  Sec. 25, W½ and NE¼.

The areas described aggregate 1,988.27 acres in Maricopa and Yavapai Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: March 29, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–9890 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–931–1430–01; MIES–0629]

Public Land Order No. 7385; Revocation of Executive Order Dated June 14, 1839, and Transfer of Jurisdiction; Michigan

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in its entirety as to10.15 acres of public land withdrawn for the use by the United States Coast Guard for lighthouse purposes. The land is no longer needed for lighthouse purposes. In accordance with Public Law 91–479, this order also transfers jurisdiction to the National Park Service for inclusion in the Sleeping Bear Dunes National Lakeshore.

EFFECTIVE DATE: April 20, 1999.

FOR FURTHER INFORMATION CONTACT: Ed Ruda, Bureau of Land Management, Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153, 703–440–1663.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated June 14, 1839, which withdrew land for lighthouse purposes, is hereby revoked insofar as it affects the following described land:

South Manitou Island Light Station

Michigan Meridian

T. 30 N., R. 15 W.,
  Sec. 10, part of lot 1.

The area described contains 10.15 acres plus accretions in Leelanau County.

2. In accordance with Public Law 91–479, subject to valid existing rights, the administrative jurisdiction of the above described land is hereby transferred from the United States Coast Guard to the National Park Service to be managed as part of the Sleeping Bear Dunes National Lakeshore and shall thereafter be subject to all laws and regulations applicable thereto.

Dated: March 29, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–9888 Filed 4–19–99; 8:45 am]

BILLING CODE 4310–GJ–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 22, 1999 at 2:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 701–TA–376–377 and 379 and 731–TA–788–793 (Final)(Certain Stainless Steel Plate from Belgium, Canada, Italy, Korea, South Africa, and Taiwan)—briefing and vote.
5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 15, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–9961 Filed 4–16–99; 2:20 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 26, 1999 at 2:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 731–TA–787 (Final)(Extruded Rubber Thread from Indonesia)—briefing and vote.
5. Outstanding action jackets:
   (1) Document No. GC–99–025: Approval of whether to review a final initial determination in Inv. No. 337–TA–406 (Certain Lens-Fitted Film Packages).
   (2) Document No. INV–99–059: Approval of institution of five-year reviews on Certain Pipe and Tube, Granular Polytetrafluoroethylene Resin, Carbon Steel Butt-weld Pipe Fittings, 3.5'' Microdisks, and Electrolytic Manganese Dioxide.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 15, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–9962 Filed 4–16–99; 2:20 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 29, 1999 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–653 (Review)(Sebacic Acid from China)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on May 10, 1999.)
5. Inv. Nos. 731–TA–794–796 (Final) (Certain Emulsion Styrene-Butadiene Rubber from Brazil, Korea, and Mexico)—briefing and vote.
6. Outstanding action jackets:
   (1) Document No. GC–99–025: Approval of whether to review a final initial determination in Inv. No. 337–TA–406 (Certain Lens-Fitted Film Packages).
   (2) Document No. GC–99–026: Approval of initial determination terminating the investigation based on withdrawal of the complaint without prejudice in Inv. No. 337–TA–418 (Certain Rodent Bait Stations and Components Thereof).
   (3) Document No. INV–99–059: Approval of institution of five-year reviews on Certain Pipe and Tube, Granular Polytetrafluoroethylene Resin, Carbon Steel Butt-weld Pipe Fittings, 3.5″ Microdisks, and Electrolytic Manganese Dioxide.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 15, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–9963 Filed 4–16–99; 2:20 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Emergency Review by the Office of Management and Budget (OMB)

April 14, 1999.

The Department of Labor has submitted an emergency processing public information collection request (ICR) for the Welfare to Work (WtW) Participant Data Collection and Reporting Requirements, not covered under 45 CFR Part 276, Interim Final Rule, dated October 29, 1998, for States, Indian tribes, and competitive grantees receiving funding under the WtW program, to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This ICR includes data collection and reporting requirements for all individuals enrolled in the WtW competitive grant program, complementary to those specified for States and Indian tribes at 45 CFR Part 276. This ICR also includes eligibility and targeting requirements to ensure compliance with section 403(a)(5)(C)(ii) of the Social Security Act, and disaggregate follow-up data collection elements pursuant to sections 403(a)(5)(E), 411(a)(7), and 411(a)(1)(A)(xvii)(IV) of the Act. OMB approval has been requested by April 30, 1999. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Clearance Officer, Pauline Perrow at (202) 219–5095, X 165.

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316. The Office of Management and budget is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., electronic submission of responses. Agency: Employment and Training Administration

Title: Welfare to Work Disaggregate Participant Eligibility, Targeting, and Follow-up Data Collection and Reporting Requirements for States, Indian Tribes, and Competitive Grantees; and Data Collection and Reporting Requirements for Competitive Grantees Complementary to Those Contained at 45 CFR Part 276, dated October 29, 1998, for States and Indian Tribes.

OMB Number: 1205–0NEW.

Frequency: Quarterly.

Affected Public: (1) WtW Formula Grants: States, local governments, and Private Industry Councils (2) WtW Competitive Grants: Eligible applicants from business and/or other for profit and non-profit institutions; and (3) Indian Tribes.

Reporting Burden: See the attached tables for Reporting Burden and Cost Estimates for Required Data Collection.

Description: The proposed ICR incorporates all participant data collection and reporting requirements set forth in section 411 of Title IV, Part A, of the Social Security Act, 42 U.S.C. 611, which are applicable to participants receiving services under WtW competitive grants, complementary to those required for States and Indian tribes as implemented in 45 CFR Part 276. Further, the ICR implements disaggregate targeting and eligibility data collection and reporting requirements for States, Indian tribes and competitive grantees which have individuals and families participating in the WtW programs, as well as disaggregate follow-up data collection and reporting requirements.

The WtW program is a new program designed to assist States and local communities in providing transitional employment assistance to move hard-to-employ recipients of Temporary Assistance for Needy Families (TANF) into unsubsidized jobs. The data collection and reporting requirements requested by the Employment and Training Administration are necessary to effectively manage and evaluate the WtW program, to measure regulatory compliance, to prepare statutorily required reports to Congress and for audit purposes. Transmittal of the requested data will occur electronically on a quarterly basis, via software provided to the grantees. The States will report this required information for formula grants to the State welfare agencies, based on format specifications which will be provided by the Department of Health and Human Services. Competitive grantees and Indian tribes will report this required data directly to the Department of Labor, based on format specifications to be provided to the grantees.

Pauline Perrow,

Acting Departmental Clearance Officer.

DOL–ETA REPORTING BURDEN FOR WTW FORMULA AND TRIBAL GRANTS (INCLUDING BONUS) PARTICIPANT DATA COLLECTION

Requirements	FY 1998	FY 1999	FY 2000 (bonus)	FY 2001
Number of Reports Per Entity Per Quarter	1	1	1	1
Total Number of Reports Per Entity Per Year	2	4	4	4
Number of Hours Required for Reporting Hours Per Quarter Per Report	1	1	1	1
Total Number of Hours Required for Reporting Hours Per Entity Per Year	2	4	4	4
Number of Entities Reporting	55	55	55	55
Total Number of Hours Required for Reporting Burden Per Year	110	220	220	220
Total Burden Cost @ $23.45 per hour	$2,580	$5,159	$5,159	$5,159

Note: This reporting Burden Estimate is exclusive of the Reporting Burden estimate contained in 45 CFR Part 276. This Reporting Burden includes estimated time and dollars to report eligibility, targeting, and follow-up disaggregate participant data.

DOL–ETA REPORTING BURDEN FOR WTW COMPETITIVE GRANTS PARTICIPANT DATA COLLECTION

Requirements	FY 1998	FY 1999	FY 2000
Number of Reports Per Entity Per Quarter	1	1	1.
Total Number of Reports Per Entity Per Year	2	4	4.
Number of Hours Required for Reporting Per Quarter Per Report	90 minutes	90 minutes	90 minutes.
Total Number of Hours Required for Reporting Hours Per Entity Per Year.	3	6	6.
Estimated Number of Entities Reporting	76	76	50.
Total Number of Hours Required for Reporting Burden Per Year	228	456	300.
Total Burden Cost @ $23.45 per hour	$5,347	$10,693	$7,035.

[FR Doc. 99–9874 Filed 4–19–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Alaska

This notice announces a change in benefit period eligibility under the EB Program for Alaska.

Summary

The following change has occurred since the publication of the last notice regarding the State's EB status:

• Febraury 21, 1999 Alaska triggered ''on'' EB. Alaska's 13-week insured unemployment rate rose above the 6.0 percent threshold necessary to be triggered ''on'' to EB for the week ending February 6, 1999.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the States by the U.S. Department of Labor. In the case of a State beginning an EB period, the State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on April 12, 1999.

Raymond Bramucci,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 99–9875 Filed 4–19–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Period for Puerto Rico

This notice announces a change in benefit period eligibility under the EB Program for Puerto Rico.

Summary

The following change has occurred since the publication of the last notice regarding the State's EB status:

• January 30, 1999—Puerto Rico's 13-week insured unemployment rate for the week ending January 9, 1999 fell below 6.0 percent and was less than 120 percent of the average for the corresponding period for the prior two years, causing Puerto Rico to trigger ''off'' EB effective January 30, 1999.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the States by the U.S. Department of Labor. In the case of a State ending an EB period, the State employment security agency will furnish a written notice to each individual who is currently filing a claim for EB of the forthcoming end of the EB period and its effect on the individual's rights to EB (20 CFR 615.13(c)(4)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the programs, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on April 12, 1999.

Raymond Bramucci,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 99–9876 Filed 4–19–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed reinstatement, with change, of the ''Veterans Supplement to the Current Population Survey (CPS).''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 21, 1999.

The Bureau of Labor Statistics is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, N.E., Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Current Population Survey (CPS) has been the principal source of the

official government statistics on employment and unemployment for over 50 years. Collection of labor force data through the CPS is necessary to meet requirements in Title 29, United States Code, Section 1 through 9. The Veterans Supplement meets the demands of Public Law 100–323, Section 9 (38 U.S.C. 2010A), as amended by Public Law 103–446, Section 701c, which mandates the Department of Labor to report on the labor force status of disabled veterans, Veirnam-theater veterans, and recently discharged veterans.

The Veterans Supplement provides information on the number and characteristics of disabled veterans, veterans who served in the Vietnam war theater, and recently separated veterans, including their employment status. The supplement provides data on veterans' participation in various employment training programs.

These data will be used by the Veterans Employment and Training Service and the Department of Veterans Affairs to determine policies that better meet the needs of our Nation's veteran population.

II. Current Actions

There are no substantial new actions in the September 1999 collection of the Veterans Supplement.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Agency: Bureau of Labor Statistics.

Title: September 1999 CPS Veterans Supplement.

OMB Number: 1220–0102.

Affected Public: Individuals or households.

Total Respondents: 12,000.

Frequency: Biennially.

Total Responses: 12,000.

Average Time Per Response: 1 minute.

Estimated Total Burden Hours: 200 hours.

Estimated Total Burden Hours: 200 hours.

Total Burden Cost (Capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 15th day of April 1999.

W. Stuart Rust, Jr.,

Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 99–9877 Filed 4–19–99; 8:45 am]

BILLING CODE 4510–24–M

MERIT SYSTEMS PROTECTION BOARD

Announcement of Headquarters Closing on April 23, 1999

SUMMARY: In accordance with the Office of Personnel Management's recently announced guidelines for minimizing traffic in conjunction with the 50th Anniversary NATO Summit to be held in Washington, D.C., on April 23–25, 1999, the U.S. Merit Systems Protection Board (MSPB) office located at 1120 Vermont Avenue, N.W., Washington, D.C., will be closed on April 23, 1999. Documents that are due to be filed by April 23, 1999, with the Office of the Clerk or with the Office of the Administrative Law Judge will be accepted as timely if they are received or postmarked by April 26, 1999. Documents that are due to be filed with all other MSPB offices, including the Washington Regional Office, must be received or postmarked by April 23, 1999.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Shannon McCarthy or Matthew Shannon, Office of the Clerk of the Board, (202) 653–7200.

Dated: April 15, 1999.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 99–9851 Filed 4–19–99; 8:45 am]

BILLING CODE 7400–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on May 5–8, 1999, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 18, 1998 (63 FR 64105).

Wednesday, May 5, 1999

1:00 P.M.–1:15 P.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

1:15 P.M.–1:45 P.M.: Electric Power Research Institute (EPRI) Application of Risk-Informed Methods to Inservice Inspection of Piping (Open)—The Committee will hear presentations by and hold discussions with representatives of EPRI and the NRC staff on the proposed application of risk-informed methods to inservice inspection of piping.

1:45 P.M.–2:45 P.M.: Proposed Final Revision to 10 CFR 50.59 (Changes, Test and Experiments) (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the staff's proposed final revision to 10 CFR 50.59.

3:00 P.M.–4:30 P.M.: Safety Evaluation for the Calvert Cliffs Nuclear Power Plant (CCNPP) License Renewal Application (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and of the Calvert Cliffs licensee on the CCNPP license renewal application.

4:30 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports, including a proposed report on the EPRI Proposed Application of Risk-Informed ISI of Piping, NRC Safety Research Program, proposed final revisions to 10 CFR 50.59, and Impact of high burnup or mixed oxide fuel on the revised source term.

Thursday, May 6, 1999

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 A.M.–9:15 A.M.: Proposed Resolution of Generic Safety Issue (GSI) 158, ''Performance of Safety Related Power-Operated Valves Under Design Bases Conditions'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of GSI 158.

9:15 A.M.–10:00 A.M.: Proposed Resolution of Generic Safety Issues (GSI) 165, ''Spring-Actuated Safety Relief Valve Reliability'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed resolution of GSI 165.

10:15 A.M.–11:45 A.M.: Fire Protection Functional Inspection Program (Open)—The Committee will

hear presentations by and hold discussions with representatives of the NRC staff regarding the staff work on the fire protection functional inspection program.

12:45 P.M.–2:15 P.M.: Westinghouse Owners Group (WOG) Proposal for Modification of Core Damage Assessment Guidelines (CDAG) and Post-Accident Sampling System (PASS) Requirements (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the WOG to discuss the WOG proposal to modify the CDAG and PASS requirements.

Note: A portion of this session may be closed to discuss Westinghouse Electric Company proprietary information.

2:15 P.M.–6:30 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Friday, May 7, 1999

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 A.M.–9:30A.M.: Tutorial on Instrument Setpoints (Open)—ACRS member, Dr. D. Miller, will provide a tutorial for the Committee on the issues and concerns associated with instrument setpoints for safety systems at nuclear power plants.

9:30 A.M.–9:45 A.M.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters. The EDO responses are expected to be provided to the ACRS prior to the meeting.

9:45 A.M.–10:15 A.M.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, and organizational and personnel matters relating to the ACRS. [Note: A portion of this session may be closed to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:30 A.M.–11:00 A.M.: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

11:00 A.M.–7:30 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

Saturday, May 8, 1999

8:30 A.M.–2:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

2:00 P.M.–2:30 P.M. : Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 29, 1998 (63 FR 51968). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Dr. Richard P. Savio, Associate Director for Technical Support, five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Associate Director for Technical Support prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Associate Director for Technical Support if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) P.L. 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), to discuss Westinghouse proprietary information per 5 U.S.C. 552b(c)(4), and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Dr. Richard P. Savio, Associate Director for Technical Support (telephone 301/415–7363), between 7:30 a.m. and 4:15 p.m. EDT.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. EDT at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Date: April 15, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99–9838 Filed 4–19–99; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 17a–3, SEC File No. 270–27, OMB Control No. 3235–0035

Rule 11Ab2–1 and Form SIP, SEC File No. 270–23, OMB Control No. 3235–0043

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission (Commission) has submitted to the Office of Management and Budget (OMB) a request for the extension of the previously approved collections of information on the following:

Rule 17a–13(b) generally requires that at least once each calendar quarter, all registered brokers and dealers physically examine and count all

securities held and account for all other securities not in their possession, but subject to the broker-dealer's control or direction. Any discrepancies between the broker-dealer's securities count and the firm's records must be noted and, within seven days, the unaccounted for difference must be recorded in the firm's records. Rule 17a–13(c) provides that under specified conditions, the securities count, examination and verification of the broker-dealer's entire list of securities may be conducted on a cyclical basis rather than on a certain date. Although Rule 17a–13 does not require filing a report with the Commission, the discrepancies must be reported on Form X–17a–5 as required by Rule 17a–5. Rule 17a–13 exempts broker-dealers that limit their business to the sale and redemption of securities of registered investment companies and interests or participation in an insurance company separate account and those who solicit accounts for federally insured savings and loan associations, provided that such persons promptly transmit all funds and securities and hold no customer funds and securities.

The information obtained from Rule 17a–13 is used as an inventory control device to monitor a broker-dealer's ability to account for all securities held, in transfer, in transit, pledged, loaned, borrowed, deposited or otherwise subject to the firm's control or direction. Discrepancies between the securities counts and the broker-dealer's records alert the Commission and the Self Regulatory Organizations (SROs) to those firms having problems in their back offices.

Because of the many variations in the amount of securities that broker-dealers are accountable for, it is difficult to develop a meaningful figure for the cost of compliance with Rule 17a–13. Approximately 92% of all registered broker-dealers are subject to Rule 17a–13. Accordingly, approximately 7,156 broker-dealers have obligations under the Rule, and the average time it would take each broker-dealer to comply with the Rule is 100 hours per year, for a total estimated annualized burden of 715,600 hours. It should be noted that a significant number of firms subject to Rule 17a–13 have minimal obligations under the Rule because they do not hold securities. It should further be noted that most broker-dealers would engage in the activities required by Rule 17a–13 even if they were not required to do so.

Security counts under Rule 17a–13 are mandatory for broker-dealers. If a broker-dealer has security discrepancies that must be recorded in its records, such records must be preserved for a period of no less than three years pursuant to Rule 17a–4(b)(1). Rule 17a–13 does not assure confidentiality for security discrepancy records and reports on Form X–17a–5.[1]

Rule 11Ab2–1 and Form SIP establish the procedures by which a Securities Information Processor (SIP) files and amends its SIP registration form. The information filed with the Commission pursuant to Rule 11Ab2–1 and Form SIP is designed to provide the Commission with the information necessary to make the required findings under the Securities Exchange Act of 1934 (Act) before granting the SIP's application for registration. In addition, the requirement that a SIP file an amendment to correct any inaccurate information is designed to assure that the Commission has current, accurate information with respect to the SIP. This information is also made available to members of the public.

Only exclusive SIP's are required to register with the Commission. An exclusive SIP is a SIP that engages on an exclusive basis on behalf of any national securities exchange or registered securities association, or any national securities exchange or registered securities association which engages on an exclusive basis on its own behalf, in collecting, processing, or preparing for distribution or publication, any information with respect to (i) transactions or quotations on or effected or made by means of any facility of such exchange or (ii) quotations distributed or published by means of any electronic quotation system operated by such association. The federal securities laws require that before the Commission may approve the registration of an exclusive SIP, it must make certain mandatory findings. It takes a SIP applicant approximately 400 hours to prepare documents which include sufficient information to enable the Commission to make those findings. Currently, there are only two exclusive SIPs registered with the Commission; The Securities Information Automation Corporation (SIAC) and The Nasdaq Stock Market, Inc. (Nasdaq). SIAC and Nasdaq are required to keep the information on file with the Commission current, which entails filing a form SIP annually to update information. Accordingly, the annual reporting and recordkeeping burden for Rule 11Ab2–1 and Form SIP is 400 hours. This annual reporting and recordkeeping burden does not include the burden hours or cost of amending a Form SIP because the Commission has already overstated the compliance burdens by assuming that the Commission will receive one initial registration pursuant to Rule 11Ab2–1 on Form SIP a year.

Rule 11Ab2–1 and Form SIP do not impose a retention period for any recordkeeping requirements. Completing and filing Form SIP is mandatory before an entity may become an exclusive SIP. Except in cases where confidential treatment is requested by an applicant and granted by the Commission pursuant to the Freedom of Information Act and the rules of the Commission thereunder, information provided in the Form SIP will be routinely available for public inspection.

Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written Comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities And Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 12, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9817 Filed 4–19–99; 8:45 am]

BILLING CODE 8010–01–M

[1] The records required by Rule 17a–13 are available only to the examination of the Commission staff, state securities authorities and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41276; File No SR–Amex–99–09]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC Relating to an Amendment to Amex Rule 901C

April 12, 1999.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 1999, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Amex Rule 901C to add modified equal-dollar weighting and modified capitalization weighting as acceptable weighting calculation methodologies for the construction of narrow-based index options.[3] [Bracketing] indicates text to be deleted, and *italics* indicates text to be added. The text of the proposed rule change is as follows:

* * * * *

Designation of Stock Index Options

Rule 901C. (a)–(c) No Change.

Commentary

.01 No change.
.02 No change.
(a) No change.
(b) Index Calculation—(*i*) The index will be calculated based on either the capitalization, [weighting,] *modified capitalization,* price, [weighting or] equal-dollar, [weighting] *or modified equal-dollar weighting* methodology. (*ii*) Indexes based upon the equal-dollar or *modified equal-dollar* weighting method will be rebalanced at least quarterly. (*iii*) If the index is maintained by a broker-dealer, the broker-dealer shall erect a ''[chinese] *fire*wall'' around the personnel who have access to information concerning changes and adjustments to the index and the index shall be calculated by a third party who is not a broker-dealer. (*iv*) The current index value will be disseminated every 15 seconds over the Consolidated Tape Association's Network B.
(c) No change.
(d) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis For, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Commentary .02 to Amex Rule 901C to include modified capitalization and modified equal-dollar weighting in the group of index calculation methodologies used for calculating stock industry index groups.[4] Commentary .02 to Amex Rule 901C permits the Exchange to list options on stock industry index groups if the index meets certain criteria. Presently, the criteria require the index to be calculated using either the capitalization, price, or equal-dollar weighting methodologies. The Exchange proposes to include modified capitalization and modified equal-dollar weighting calculation methodologies in Commentary .02 to Amex Rule 901C to (i) better meet the needs of index option users; (ii) increase flexibility in index construction; and (iii) more accurately reflect the industry represented by the index.

Use of the capitalization weighting calculation methodology to determine an index value is accomplished by multiplying the primary exchange regular way last sale price of each component security by its number of shares outstanding, adding the products, and dividing by the current index divisor. Determining an index value for modified capitalization weighted indexes is calculated in a similar manner. However, instead of using the number of shares outstanding, the methodology uses an adjusted number of shares outstanding in the multiplication (adding the products and then dividing by the current index divisor). The modified capitalization weighting methodology uses an adjusted number of shares outstanding to prevent components with relatively large market capitalizations from representing an excessive portion of an index's value. For example, inclusion of a large capitalization company in an index along with a number of smaller capitalization companies can result in the larger capitalization company's representation in the index exceeding 25% of the index's value, which violates the requirements of Amex Rule 901C, Commentary .02(a)(7). However, use of the modified capitalization index calculation methodology would permit a reduction in the large capitalization company's representation in the index to an amount less than 25% of the index's value, thereby permitting the index to satisfy the requirements of Commentary .02(a)(7). The Exchange represents that, as a part of their due diligence, the component weighting will be reviewed quarterly, and if necessary, adjusted to ensure the index continues to meet the weighting guidelines. Adjustments will be made on an intra-quarterly basis to reflect corporate actions, share issuances and repurchases, etc.

Use of the equal-dollar weighting calculation methodology to determine an index value initially is accomplished by establishing an initial dollar representation (for example $100,000), determining the number of shares of each component representing this amount and then multiplying the primary exchange regular way last sale price of each component security by its predetermined fixed number of shares. The equal-dollar weighted methodology results in equal representation of each component in the index. The modified equal-dollar weighting methodology can be used to distinguish between larger and smaller capitalized companies, permitting larger capitalized companies to represent a larger portion of an index's value. This methodology can enhance an index's use as an accurate measure for a particular industry sector and thus its utility to market participants.

In effect, the modified equal-dollar weighting methodology is the mirror image of the modified capitalization weighting methodology. While the modified capitalization weighting

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange refers to narrow-based index options as ''stock industry index options.'' *See* Amex Rule 900C(b)(1).

[4] A stock index industry group is defined in the Amex Rule as a group of stocks representing a particular industry or related industries. *Id.*

methodology prevents companies with the largest capitalization from skewing an index, the modified equal-dollar weighting methodology guards against the smaller capitalized companies doing so. Determining an initial index value for modified equal-dollar weighted indexes uses two or more fixed dollar values for different groups of the index components instead of using the same fixed dollar value for each component. In this way, the modified equal-dollar weighted method allows for similar component stocks to be weighted similarly, while differentiating among dissimilar groups (*e.g.*, high capitalization stocks versus lower capitalization stocks). For example, given a ten stock index, five components with capitalizations of approximately $1 billion (or $5 billion in aggregate) and five with capitalizations of approximately $500 million (or $2.5 billion in aggregate), rather than each component accounting for 10% of the index (as would be the case in a pure equal-dollar weighted index), the modified equal-dollar weighting methodology would permit the larger capitalization components to account for twice the amount of the smaller capitalized companies. This permits a more accurate representation of the actual market capitalization composition of the industry for which the index is designed to measure.

The number of shares of each component security in an index calculated under the modified equal-dollar weighting methodology will be adjusted quarterly, so that the members of each weighting group are again set to the appropriate index weight. The number of shares of each component stock in the index portfolio will remain fixed between quarterly reviews, except in the event of certain types of corporate actions (such as the payment of a dividend other than an ordinary cash dividend, stock distribution, reorganization, recapitalization, or similar event with respect to the component stocks). In a merger or consolidation of an issuer of a component stock, if the stock remains in the index, the number of shares of that security in the portfolio may be adjusted to the nearest whole share, to maintain the component's relative weight in the index at the level immediately prior to the corporate action. In the event of a stock addition or replacement, the average dollar value of the remaining components in the same weighting group will be calculated, and that amount invested in the stock of the new component to the nearest whole share. In all cases, the divisor will be adjusted, if necessary, to ensure index continuity.

The Exchange notes that the Inter@ctive Week Internet Index, the Nasdaq-100 Index, and the Amex Eurotop 100 Index are currently calculated using modified capitalization weighting methodologies, and have been approved as indexes that may underlie index options. Additionally, the Amex Mexico Index and the Amex Networking Index currently use modified equal-dollar weighting index calculation methodologies, and have been approved as indexes that may underlie index options.

Increasingly, the Exchange receives requests to construct new stock industry indexes using the modified capitalization or modified equal-dollar weighting methodologies, in many cases to enable the proposed indexes to meet the generic criteria for narrow-based indexes, or to provide for the timely trading of options on the newly proposed indexes. As a result, the Exchange proposes to add the modified capitalization and modified equal-dollar weighted calculation methodologies to the existing narrow-based criteria set forth in Amex Rule 901C that are currently subject to filing pursuant to Rule 19b–4(e) under the Act.[5] In doing so, use of the modified capitalization and modified equal-dollar weighted calculation methodologies will be limited to those narrow-based indexes meeting the generic index criteria set forth in Commentary .02 to Amex Rule 901C. In the event a proposed index does not meet the criteria set forth in Commentary .02, the Exchange will submit the terms of the proposed index to the Commission for review pursuant to section 19(b)(2) of the Act.[6]

The Exchange represents that the terms of any modified capitalization or modified equal-dollar weighting calculation methodology will be clearly defined, and consist of objective standards that will permit any newly developed narrow-based index initially to meet, and subsequently, to continue to be maintained, in accordance with the generic criteria set forth in Commentary .02 to Amex Rule 901C. Further, the Exchange represents that these terms will be discussed in marketing materials describing the index and in the Information Circulars distributed to members upon the launch of the new index options.

2. Statutory Basis

The Amex believes that the proposed rule change is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of section 6(b)(5) of the Act[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the

[5] 17 CFR 240.19b–4(e).

[6] 15 U.S.C. 78s(b)(2).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to file number SR-Amex-99–09 and should be submitted by May 11, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9814 Filed 4–19–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41270; File No. SR–CBOE–99–08]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 to the Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Exchange Fees

April 9, 1999.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 [1] (''Act''), and Rule 19b–4 thereunder,[2] notice is hereby given that on February 25, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On March 26, 1999, the Exchange filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend certain fees,[4] and to amend its Prospective Fee Reduction Program and Customer ''Large'' Trade Discount Program. The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to make certain fee changes and to amend the Exchange's Prospective Fee Reduction Program and Customer ''Large'' Trade Discount Program. The foregoing fee changes are being implemented by the Exchange pursuant to CBOE Rule 2.22 and took effect on March 1, 1999.

The Exchange is amending the following fees: (1) Equity Customer Transaction Fees are reduced from $.15/.30 to a flat $.09 per contract side,[5] Trade Match and Floor Brokerage Fees will remain at $.05 and $.03, respectively; (2) Marketable Equity Customer orders of thirty contracts or less will not be billed the reduced customer transaction fee noted above if those orders reach CBOE's trading posts through the automated Order Routing System (''ORS''); (3) Equity Order Book Official (''OBO'') Execution Fees are reduced from $.45 per contract with free execution at the opening, to $.20 for all contracts, regardless of when they are executed; (4) Equity Market Maker Fees are increased to $.19 per contract side from $.05 per contract side; (5) OEX Market Maker Fees are increased to $.15 per contract side from $.05 per contract side; (6) SPX Market Maker Fees are increased to $.15 per contract side from $.07 per contract side; (7) Equity Member Firm Proprietary Fees are increased from $.06 to $.19 per contract side to match market maker rates; (8) OEX Member Firm Proprietary Fees are increased from $.06 to $.15 per contract side to match Index market maker rates; and (9) Member Firm Proprietary Fees for SPX, DJX and all other Indexes are increased from $.10 to $.15 per contract side to match Index market maker rates. Trade Match fees remain at $.05 per contract side. Member Firm proprietary rates remain unchanged when the firm is facilitating its own customer order. Index Customer Transaction Fees are unchanged.

Previously, it has been CBOE's policy to assign the customer rate to option orders from broker-dealers. Under the revised fee schedule, broker-dealer marketable equity option orders of thirty contracts or less that are routed through ORS will not be assessed any transaction fee. However, non-marketable broker-dealer equity option orders for more than thirty contracts will be charged the new higher market maker/firm rate of $.19 instead of the new lower customer rate of $.09.

The Exchange's Prospective Fee Reduction Program for Trade Match Fees and Member Dues currently provides that if at the end of any quarter of the Exchange's fiscal year, the Exchange's average contract volume per day on a fiscal year-to-date basis exceeds one of certain predetermined volume thresholds, the Exchange's Trade Match Fees and Member Dues will be reduced in the following fiscal quarter in accordance with a fee reduction schedule. Effective March 1, 1999 the Program proposed to be is suspended for the remainder of Fiscal Year 1999 (''FY99'').[6]

The Exchange's Customer ''Large'' Trade Discount Program currently provides for discounts on the transaction fees that CBOE customers are assessed with respect to public customer orders for 500 or more contracts. Specifically, for any month during which the Exchange's average contract volume per day exceeds one of certain predetermined volume thresholds, the transaction fees that are assessed by the Exchange in that month with respect to public customer orders for 500 or more contracts are subject to a discount in accordance with a discount schedule. The Program is proposed to be suspended for equity option orders only for the remainder of FY99, effective March 1, 1999.

---

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Debora E. Barnes, Senior Attorney, CBOE, to David Sieradzki, Special Counsel, Division of Market Regulation (''Division''), Commission, dated March 25, 1999 (''Amendment No. 1''). Amendment No. 1 is a technical amendment to add the Exchange's statement on burden on competition, which was inadvertently omitted.

[4] The Exchange represents that, although some of the fees in this filing are referred to as customer fees, they are charged to members. As a result, the Commission notes that, as this filing relates exclusively to member fees, this proposed rule change is properly filed under section 19(b)(3)(A)(ii) of the Act. 15 U.S.C. 78s(b)(3)(A)(ii). Telephone conversation between Timothy Thompson, Director, Regulatory Affairs, CBOE, and Joseph P. Morra, Attorney, Division, Commission, on March 3, 1999.

[5] A rate differential will no longer exist based on the dollar amount of the premium paid.

[6] CBOE's FY99 terminates on June 30, 1999.

The proposed amendments are the result of a recommendation made by the Exchange's Financial Planning Committee to the Board of Directors. The amendments are structured to fairly allocate the costs of operating the Exchange in light of competitive concerns.

The proposed rule change is consistent with section 6(b) of the Act,[7] in general, and furthers the objectives of section 6(b)(4) of the Act[8] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective[9] pursuant to section 19(b)(3)(A) of the Act[10] and subparagraph(f) of Rule 19b–4 thereunder.[11] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection an copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to file number SR–CBOE–99–08, and should be submitted by May 11, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9816 Filed 4–19–99; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] In reviewing this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41277; File No. SR–Phlx–99–02]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc. to Change the Required Minimum Value Size for an Opening Transaction in FLEX Equity Options

April 13, 1999.

I. Introduction

On January 19, 1999, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to reduce the required minimum value size for an opening transaction in FLEX Equity Options. The **Federal Register** published the proposed rule change for comment on March 11, 1999.[3] The Commission received no comments on the proposal. This order approves the proposal.

II. Description of Proposal

The Exchange is proposing to change the minimum value size for opening transactions, other than FLEX Quotes responsive to a FLEX Request for Quotes, in any FLEX equity option series in which there is no open interest at the time the Request for Quotes is submitted. Currently, under Exchange Rule 1079 the minimum value size for these opening transactions is 250 contracts. The Exchange is proposing to change the minimum value size for these transactions to the lesser of 250 contracts or the number of contracts overlying $1 million of the underlying securities.

The Exchange is proposing this change because it believes the current rule is unduly restrictive. The rule was originally put in place to limit participation in FLEX equity options to sophisticated, high net worth individuals.[4] The Exchange believes, however, that limiting participation in FLEX equity options based solely on the number of contracts purchased may diminish liquidity and trading interest in FLEX equity options on higher priced equities. The Exchange believes the value of the securities underlying the FLEX equity options is an equally valid restraint as the number of contracts and, if set at the appropriate limit, can also prevent the participation of investors who do not have adequate resources. In fact, the limitation on the minimum value size for opening transactions in FLEX market index options and FLEX industry index options is tied to the same type of standard—the underlying equivalent value.[5] The Exchange believes the number of contracts overlying $1 million in underlying securities is adequate to provide the requisite amount of investor protection. An opening transaction in a FLEX equity option series on a stock priced at $40.01 or more would reach this $1 million limit before it would reach the contract size limit, *i.e.*, 250 contracts times the multiplier (100) times the stock price ($40.01) totals $1,000,250 in underlying value.

Currently, an investor can purchase 250 contracts in a FLEX equity series on lower priced stocks, meeting the minimum requirement without reaching an underlying equivalent value of $1 million. For example, a purchase of FLEX equity options overlying a $10 stock is permitted although the underlying value for the options would be $250,000, *i.e.*, 250 contracts times the multiplier (100) times the stock price ($10). Conversely, under the proposed amendment, a participant could open a new FLEX equity option series overlying a $110 stock with a trade of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 41136 (March 3, 1999), 64 FR 12203 (March 11, 1999).

[4] Exchange Act Release No. 37691 (September 17, 1996), 61 FR 50060 (September, 24, 1996) (adopting SR–Phlx–96–38).

[5] *See* Exchange Rule 1079(a)(8)(A)(i).

91 contracts or more since the underlying equivalent value would be $1,001,000.

III. Discussion

The Commission finds that the proposed rule change is consistent with the objectives of section 6(b) of the Act.[6] In particular, the Commission finds that the proposed rule change furthers the objectives of section 6(b)(5)[7] which requires an exchange's rules to be designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.[8] Specifically, the Commission believes that the proposed rule change will increase liquidity and trading interest in FLEX equity options on higher priced securities. The Commission also believes that limiting the minimum value size for opening transactions in FLEX equity options to the lesser of 250 contracts or $1 million of underlying equivalent value is an appropriate level to prevent investors who do not have adequate resources from trading such options.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (SR–PHLX–99–02) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jonathan G. Katz,

Secretary.

[FR Doc. 99–9815 Filed 4–19–99; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

This statement amends part T of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration. Notice is given that chapter TA for the Office of the Deputy Commissioner, Disability and Income Security Programs (ODCDISP) is being amended to reflect the establishment of the Office of Employment Support Programs (TAT). Further notice is given that Subchapter TAE, the Office of Disability is being amended to delete functions being transferred to OESP and to abolish the related Division of Employment and Rehabilitation Programs (TAEJ). Notice is also being given that Subchapter TAP, the Office of Program Benefits, is being amended to reflect a title change and changes in responsibilities. The changes are as follows:

Section TA.10 The Office of the Deputy Commissioner, Disability and Income Security Programs—(Organization)

Establish:

I. The Office of Employment Support Programs (TAT).

Section TA.20 The Office of the Deputy Commissioner, Disability and Income Security Programs—(Functions)

Establish:

I. The Office of Employment Support Programs (TAT) plans, develops, evaluates, issues and administers operational policies that implement provisions in the Social Security Act and related statutes promoting or otherwise facilitating the employment of Disability Insurance and Supplemental Security Income Program beneficiaries with disabilities. Plans and directs a program to assess and evaluate beneficiary needs in the areas of rehabilitation and employment support. Provides operational advice, technical support and direction to central office, regional office and field components in the administration of employment support programs. Evaluates the effects of proposed legislation, policy and regulatory changes to determine the operational impact on employment support programs. Provides assistance in educating the public about disability program work incentives, rehabilitation and other forms of employment support. Establishes and maintains relationships with parties interested in the employment of persons with disabilities. Engages in broad-based efforts in partnership with other public and private entities to remove employment obstacles encountered by disability beneficiaries. Promotes process innovation and cooperation among its partners and stakeholders.

Section TAE.10 The Office of Disability—(Organization)

Abolish:

I. The Division of Employment and Rehabilitation Programs (TAEJ).

Section TAE.20 The Office of Disability—(Functions)

Abolish in its entirety:

I. The Division of Employment and Rehabilitation Programs (TAEJ).

Section TAP.10 The Office of Program Benefits—(Organization)

Retitle:

E. The Division of Eligibility and Enumeration (TAPJ) to the Division of Eligibility and Enumeration Policy (TAPJ).

Section TAP.20 The Office of Program Benefits—(Functions)

Retitle:

E. The Division of Eligibility and Enumeration (TAPJ) to the Division of Eligibility and Enumeration Policy (TAPJ).

Amend as follows:

2. Develops and issues guidelines, directives, instructions, and operating procedures for such eligibility and enumeration subject areas as applications, alien issues, evidence, relationships, insured status, income and resources, living arrangements, in-kind support and maintenance, applications for Social Security numbers, and interprogram relationships with food stamps.

F. The Division of Representative Payment and Evaluation (TAPK).

Amend as follows:

2. Develops and issues guidelines, directives, instructions and operating procedures for such representative payment subject areas as (in) capability assessment, investigation and selection of payees, use and conservation of benefits, misuse of benefits, payment for payee services and payee oversight, and for interprogram relationships with Medicaid and Medicare.

Add Subchapter:

Subchapter TAT
Office of Employment Support Programs
TAT.00 Mission
TAT.10 Organization
TAT.20 Functions

Section TAT.00 The Office of Employment Support Programs—(Mission)

The Office of Employment Support Programs (OESP) plans, develops, evaluates, issues and administers operational policies that implement provisions in the Social Security Act and related statutes promoting or

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

otherwise facilitating the employment of Disability Insurance and Supplemental Security Income Program beneficiaries with disabilities. Plans and directs a program to assess and evaluate beneficiary needs in the areas of rehabilitation and employment support. Provides operational advice, technical support and direction to central office, regional office and field components in the administration of employment support programs. Evaluates the effects of proposed legislation, policy and regulatory changes to determine the operational impact on employment support programs. Provides assistance in educating the public about disability program work incentives, rehabilitation, other forms of employment support and proposed program changes. Establishes and maintains relationships with parties interested in the employment of persons with disabilities. Engages in broad-based efforts in partnership with other public and private entities to remove employment obstacles encountered by disability program beneficiaries. Promotes process innovation and cooperation among its partners and stakeholders.

Section TAT.10 The Office of Employment Support Programs—(Organization)

The Office of Employment Support Programs (TAT) under the leadership of the Associate Commissioner for Employment Support Programs, includes:

A. The Associate Commissioner for Employment Support Programs (TAT).

B. The Deputy Associate Commissioner for Employment Support Programs (TAT).

C. The Immediate Office of the Associate Commissioner for Employment Support Programs (TATA).

D. The Division of Employment Policy (TATB).

E. The Division of Employment Support and Program Acquisitions (TATC).

Section TAT.20 The Office of Employment Support Programs—(Functions)

A. The Associate Commissioner for Employment Support Programs (TAT) is directly responsible to the Deputy Commissioner, Disability and Income Security Programs for carrying out OESP's mission, and provides general supervision to the major components of OESP.

B. The Deputy Associate Commissioner for Employment Security Programs (TAT) assists the Associate Commissioner in carrying out his/her responsibilities, and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Employment Security Programs (TATA) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities and helps coordinate the activities of the OESP components. This includes coordinating activities involving relations with customers, stakeholders and other parties.

D. The Division of Employment Policy (TATB).

1. Develops, evaluates, implements and maintains program policy on DI and SSI work incentives, and related areas, including areas of intercomponent concern such as substantial gainful activity. Drafts regulations and prepares operating policies and related instructional materials.

2. Develops, in conjunction with the Office of the Deputy Commissioner for Communications, informational materials to increase public understanding and use of work incentives and to support the employment efforts of Social Security beneficiaries with disabilities.

3. Develops proposals and plans for new work incentives and other policy changes.

4. Develops specifications for and administers grants, cooperative agreements and Federal interagency agreements in support of program activities.

E. The Division of Employment Support and Program Acquisitions (TATC).

1. Implements the provisions of the Social Security Act which call for referral of disability beneficiaries for rehabilitation and other forms of employment support services. Evaluates the performance of service providers in the public and private sectors. Certifies payment to service providers and ensures that beneficiary participation in the program is appropriate.

2. Develops, implements, evaluates and maintains regulations, program operating policies, and instructional and other materials on employment services and service provider operations. Interfaces with the vocational rehabilitation programs administered under the Rehabilitation Act.

3. Develops proposals and plans for new employment support services and other related program changes.

Dated: March 16, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

[FR Doc. 99–9767 Filed 4–19–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice 3030]

Bureau of European Affairs; U.S. Bilateral Assistance to Bosnia and Serbia

The Acting Secretary of State issued on April 12, 1999, a waiver under Section 570 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1999, authorizing a U.S. vote in favor of a World Bank credit to Bosnia, including the Republika Srpska (RS). Presented hereunder are the Determination and accompanying Memorandum of Justification.

FOR FURTHER INFORMATION CONTACT: Office of the SEED Coordinator, Larry C. Napper, Department of State, 2101 C St NW, Washington, DC 20521 (202–647–0853).

Determination on U.S. Position on Proposed World Bank Program for Bosnia and Herzegovina

Pursuant to the authority vested in me by section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as enacted in P.L. 105–277 (''FOAA''), I hereby waive the application of Section 570 of the FOAA with regard to the U.S. position on the proposed program of the World Bank to establish a Local Development Fund (LDF) in Bosnia and Herzegovina.

The U.S. representative may vote in favor of the proposed LDF program.

I hereby determine that this program would directly support the implementation of the Dayton Agreement and its Annexes.

This Determination shall be published in the **Federal Register**.

Dated: April 12, 1999.

Strobe Talbot,

Acting Secretary of State.

Memorandum of Justification Under Section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, to Approve Local Development Fund Program in the Republika Srpska

Beginning with the formation in January 1998 of the Milorad Dodik government, the international community has continued efforts to strengthen moderate forces in the Republika Srpska (RS). The effort to

steer RS politics into a moderate course is now at a critical phase. Hardliners are using recent events—the Brcko arbitral award, the dismissal of hardline nationalist RS President Poplasen, and the NATO action against the Federal Republic of Yugoslavia—to try to derail the Dodik government and whip up public feeling against the international community.

The United States has made clear repeatedly at RS and municipality levels that all assistance is contingent on continued progress in implementing the Dayton accords and announced its readiness to terminate any projects if the situation warrants. The U.S. has also encouraged other donors to deliver the same message. Progress toward full implementation of the Dayton accords includes progress on arresting indicted war criminals, formation of a broad-based moderate government in the RS, and other key Dayton goals.

Section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, imposes restrictions on assistance to states or entities that fail to ''take necessary and significant steps to apprehend and transfer'' to the International Criminal Tribunal for the Former Yugoslavia all persons who have been publicly indicted by the Tribunal. The Secretary of State determined in November 1998 that Serbia and the Republika Srpska were subject to this restriction. However, Section 570 also provides for a selective use of the waiver authority.

An upcoming decision by the World Bank to establish a Local Development Fund (LDF), to lend to municipalities for infrastructure reconstruction, fits the criteria for a waiver. The LDF, which would commit a total of $15 million, is a longer-term (four years) effort to upgrade lending expertise of local banks and debt management capabilities of municipal governments.

The U.S. has made clear to the World Bank that it expects strict controls to ensure that no persons publicly indicted of war crimes should benefit from the program, and that no municipalities openly harboring such persons should benefit. The World Bank will institute strong control and audit mechanisms. International banks and consultants responsible to the World Bank will be involved in the selection of participating banks and eligible municipalities. The World Bank is fully aware of the need to avoid a situation where its funds could benefit persons publicly indicted for war crimes, or municipalities responsible for harboring such persons. It will consult regularly with the Office of the High Representative in Sarajevo on the administration of this program.

Our record on war criminals remains strong and unequivocal. U.S. encouragement of moderate elements in the RS has helped improve the climate for bringing indicted war criminals to justice. To date, there have been ten forcible detentions and six voluntary surrenders in the RS. Of these, there were seven forcible detentions by SFOR and five voluntary surrenders during 1998. Since April of 1997, the number of war criminals brought before the Tribunal has increased from 7 to 35, due in large measure to the persistent pressure applied by the U.S. Government.

The fact that the detentions occurred without major incident, and that there is a relatively high proportion of voluntary surrenders, reflects directly on the climate created by the cooperative relationship with the international community of the Dodik government. We believe that by strengthening moderate and democratic forces in the Republika Srpska, we have strengthened institutions, capabilities, and resolve that will lead to the fulfillment of the Dayton objective of seeing those war criminals who remain at large detained and brought to justice.

The international community has repeatedly warned that obstructionism will lead to serious repercussions, including the curtailment of economic assistance. However, positive signals are also needed. The currently volatile climate in the RS should not sway the international community from a long-term policy that strengthens moderates and rewards those who cooperate with Dayton implementation.

[FR Doc. 99–9894 Filed 4–19–99; 8:45 am]
BILLING CODE 4710–23–P

DEPARTMENT OF STATE

[Public Notice Number 3008]

The Interagency Working Group on Anti-fouling Paints for Ships; Notice of Public Meeting

The Federal Interagency Working Group on Anti-fouling Paints for Ships will conduct an open meeting on Wednesday, May 5, 1999, from 10:00 a.m. to 12:00 p.m., in Room 3328, Department of Transportation, 407 7th Street, S.W., Washington, D.C. 20590.

The purpose of this meeting is to discuss and prepare the U.S. position for treaty negotiations relating to international regulations relating to the harmful effects of the use of anti-fouling paints for ships. These negotiations will be conducted at the 43rd session of the Marine Environment Protection Committee (MEPC 43) of the International Maritime Organization. MEPC 43 will be held from June 28, to July 2, 1999 in London, United Kingdom.

Members of the public may attend this meeting up to the seating capacity of the room. Information requests and comments may be submitted electronically to cboes@comdt.uscg.mil. For further information pertaining to this meeting, contact Lieutenant Junior Grade Christopher Boes, U.S. Coast Guard Headquarters (G–MSO–4), 2100 Second Street, SW, Washington, DC 20593–0001; Telephone: (202) 267–0713.

Dated: April 14, 1999.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 99–9893 Filed 4–19–99; 8:45 am]
BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice Number 3007]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Dangerous Goods, Solid Cargoes and Containers; Meeting Notice

The Working Group on Dangerous Goods, Solid Cargoes and Containers (DSC) of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 10:00 a.m. on Tuesday, May 11, 1999, in Room 6332, at the Nassif Building, 400 Seventh Street, S.W., Washington, DC 20590. The purpose of the meeting is to discuss the outcome of the Fourth Session of the DSC Subcommittee of the International Maritime Organization (IMO) which was held February 22–26, 1999, at the IMO Headquarters in London. In addition, initial plans and preparations for the upcoming meeting of the DSC Subcommittee's Editorial and Technical Group and other topics of interest will be addressed.

The agenda items of particular interest are:

a. Amendment 30 to the International Maritime Dangerous Goods (IMDG) Code, its Annexes and Supplements including harmonization of the IMDG Code with the United Nations Recommendations on the Transport of Dangerous Goods, reformatting of the IMDG Code, and revision of the format of the Emergency Schedules (EmS).

b. Implementation of Annex III of the Marine Pollution Convention (MARPOL 73/78), as amended.

c. Review of the Code of Safe Practice for Solid Bulk Cargoes (BC Code).

d. Amendments to SOLAS chapters VI and VII to make the IMDG Code mandatory.

e. Mandatory application of the Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High Level Radioactive Wastes in Flasks on Board Ships (INF Code).

f. Implementation of IMO instruments and training requirements for cargo-related matters, including revision of resolution A.537(13) and development of multimodal training requirements.

g. Reports on incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. E. P. Pfersich, U.S. Coast Guard (G–MSO–3), 2100 Second Street, S.W., Washington, DC 20593–0001 or by calling (202) 267–1577.

Dated: April 14, 1999.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 99–9892 Filed 4–19–99; 8:45 am]

BILLING CODE 4710–07–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1513).

TIME AND DATE: 9 a.m. (CDT), April 21, 1999.

PLACE: Murray State University, Curris Center Mississippi Room, Chestnut Street, Murray, Kentucky.

STATUS: Open.

Agenda

Approval of minutes of meeting held on March 3, 1999.

New Business

Unclassified

F1. Shoreline Management Policy.

F2. Boone Reservoir Land Management Plan, Sullivan and Washington Counties, Tennessee.

F3. Melton Hill Reservoir Land Management Plan, Anderson, Knox, Roane, and Loudon Counties, Tennessee.

F4. TVA Policy and Principles on the Environment.

Information Items

1. Filing of condemnation cases to acquire easements and rights-of-way affecting the following transmission lines: Great Falls-Murfreesboro-South Nashville, Rutherford County, Tennessee; Oneida-McCreary, Scott County, Tennessee; Oneida-McCreary, McCreary County, Kentucky; Pinhook-Smyrna, Davidson County, Tennessee; and Red Hills-Sturgis, Choctaw, Mississippi.

2. Filing of condemnation cases to acquire easements and rights-of-way for transmission lines affecting Pinhook-Smyrna, Rutherford County, Tennessee; and Sequoyah-Concord Tap to Apison, Hamilton County, Tennessee.

3. Relocation of a portion of the Mayfield-Murray Transmission Line affecting approximately 3.2 acres of land in Graves County, Kentucky (Tract No. MMR–17).

4. Abandonment of easement rights over a portion of the Waterville-Kingsport Nolichucky Tap transmission Line right-of-way in Greene County, Tennessee (Tracts No. NOLT–17, –18, and –19).

5. Abandonment of easement rights affecting approximately 11.77 acres of TVA's Bowling Green-Franklin No. 3 and Bowling Green-Franklin 69–kV transmission line in Warren County, Kentucky (Tracts No. BGFN–20, –21, and BOGF–45, –46).

6. Grant of a 10-year easement, with options to renew for up to four additional 10-year terms, exclusively for the production of fused silica and such other products as TVA may agree to in writing, affecting approximately 15.24 acres of Muscle Shoals Reservation land in Colbert County, Alabama, together with associated nonexclusive access rights.

7. Cessation of efforts to pursue the development of the Little Cedar Mountain project on Nickajack Lake and cessation of consideration of a proposal by a private company to develop approximately 850 acres of TVA land on Tellico Reservoir.

8. Revisions to the Industrial Service Policy as set out in TVA's wholesale power contracts.

9. Approval of the offering of a forward supported power (FSP) option as an enhancement of economy surplus power (ESP) arrangements.

10. Approval to enter into agreements with hotels and motels in the Tennessee Valley region and other select locations.

11. Supplement to contract with General Electric Company for the manufacture and turnkey installation of four simple cycle dual fuel combustion turbine units and to proceed with plant site acquisition activities.

12. Delegation of authority to the Chief Administrative Officer to enter into cooperative partnership agreements, with up to $10 million funding from TVA, with selected land grant colleges and universities in the seven-state Tennessee Valley region to cooperatively conduct studies and experiments for power development, environmental research, and economic development.

13. Appointment of TVA's Designated Agency Safety and Health Official.

14. Recommendation resulting from negotiations with Local 544, Service Employees International Union, AFL–CIO, over compensation for TVA annual and hourly employees.

15. Authorization, for planning purposes, of the use of a calculated annual real rate of return of 5 percent in connection with TVA's Nuclear Decommissioning Fund.

16. Approval to issue TVA Power Bonds and execution of currency swap arrangement.

17. Approval of the sale of TVA Power Bonds.

18. Appointments to the Land Between the Lakes Advisory Committee.

For more information: Please call TVA Public Relations at (423) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999.

Dated: April 14, 1999.

William L. Osteen,

Associate General Counsel and Assistant Secretary.

[FR Doc. 99–9919 Filed 4–15–99; 4:20 pm]

BILLING CODE 8120–08–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Trade and Environment Policy Advisory Committee (TEPAC)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice that the April 29, 1999, meeting of the Trade and Environment Policy Advisory Committee will be held from 1:00 p.m. to 5:00 p.m. The meeting will be closed to the public from 1:00 p.m. to 4:30 p.m. and open to the public from 4:30 p.m. to 5:00 p.m.

SUMMARY: The Trade and Environment Policy Advisory Committee will hold a meeting on April 29, 1999 from 1:00 p.m. to 5:00 p.m. The meeting will be closed to the public from 1:00 p.m. to 4:30 p.m. The meeting will include a review and discussion of current issues with influence U.S. trade policy. Pursuant to section 2155(f)(2) of Title 19

of the United States Code, I have determined that this meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. The meeting will be open to the public and press from 4:30 p.m. to 5:00 p.m. when trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

DATES: The meeting is scheduled for April 29, 1999, unless otherwise notified.

ADDRESSES: The meeting will be held at the USTR ANNEX Building in Conference Rooms 1 and 2, located at 1724 F Street, NW, Washington, DC, unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Christina Sevilla, Office of the United States Trade Representative, (202) 395–6120.

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 99–9832 Filed 4–19–99; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1999–5526]

Chemical Transportation Advisory Committee; Vacancies

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The Coast Guard is seeking applications for appointment to membership on the Chemical Transportation Advisory Committee (CTAC). CTAC provides advice and makes recommendations to the Coast Guard on matters relating to the safe transportation and handling of hazardous materials in bulk on U.S.-flag vessels and barges in U.S. ports and waterways.

DATES: Applications must reach the Coast Guard on or before July 16, 1999.

ADDRESSES: You may request an application form by writing to Commandant (G–MSO–3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001; by calling (202) 267–1217–0081; or by faxing (202) 267–4570. Submit application forms to the same address. This notice and the application form are available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Commander Robert F. Corbin, Executive Director of CTAC, or Ms. Sara S. Ju, Assistant to the Executive Director, telephone (202) 267–1217–0081, fax (202) 267–4570.

SUPPLEMENTARY INFORMATION: The Chemical Transportation Advisory Committee (CTAC) is a Federal advisory committee constituted under 5 U.S.C. App. 2. It provides advice and makes recommendations to the Assistant Commandant for Marine Safety and Environmental Protection on matters relating to the safe transportation and handling of hazardous materials in bulk on U.S.-flag vessels and barges in U.S. ports and waterways. The advice and recommendations of CTAC also assist the U.S. Coast Guard in formulating the position of the United States on hazardous material transportation issues prior to meetings of the International Maritime Organization.

CTAC meets at least once a year at Coast Guard Headquarters in Washington, DC. It may also meet more often than once a year for extraordinary purposes. CTAC's subcommittees and working groups may meet to consider specific problems as required.

The Coast Guard will consider applications for seven positions that expire or become vacant in September 1999. To be eligible, applicants should have experience in chemical manufacturing, marine transportation of chemicals, occupational safety and health, or environmental protection issues associated with chemical transportation. Each member serves for a term of three years. Some members may serve consecutive terms. However, not more than 50 percent of the members with expiring terms may be re-appointed. All members serve at their own expense, and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

In support of the policy of the Department of Transportation on gender and ethnic diversity, the Coast Guard encourages applications from qualified women and members of minority groups.

Applicants selected may be required to complete a Confidential Financial Disclosure Report (OGE Form 450). Neither the report nor the information it contains may be released to the public, except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a).

Dated: April 13, 1999.

Howard L. Hime,

Director of Standards (Acting); Marine Safety and Environmental Protection.

[FR Doc. 99–9880 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Austin-Bergstrom International Airport; Austin, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the City of Austin, Texas, for Austin-Bergstrom International Airport under the provisions of Title 49, U.S.C. Chapter 475 (hereinafter referred to as ''Title 49'') and 14 CFR part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is April 5, 1999.

FOR FURTHER INFORMATION CONTACT: Mike Nicely, Department of Transportation, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas, 76137, (817) 222–5606.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Austin-Bergstrom International Airport are in compliance with applicable requirements of part 150, effective April 5, 1999. Under Title 49, an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. Title 49 requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title 49, may submit a noise compatibility program for FAA approval which sets forth the

measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The City of Austin, Texas, submitted to the FAA on March 22, 1999, noise exposure maps, descriptions and other documentation which were produced during August 1998 and March 1999. It was requested that the FAA review this material as the noise exposure maps, as described in Title 49.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the City of Austin, Texas. The specific maps under consideration are 1999 Opening Day Existing Condition Noise Exposure Map, Figure 3.7 and 2004 Future Condition Noise Exposure Map, Figure 4.6 in the submission. The FAA has determined that these maps for Austin-Bergstrom International Airport are in compliance with applicable requirements. This determination is effective on April 5, 1999. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information, or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Title 49, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Title 49. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Title 49. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, Airports Division, 2601 Meacham Boulevard, Fort Worth, Texas 76137.

City of Austin, Department of Aviation, 2716 Spirit of Texas Drive, Austin, Texas 78719.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Fort Worth, Texas, April 5, 1999.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 99–9797 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–09]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 11, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Terry Stubblefield (202) 267–7624 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 15, 1999.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 23771.
Petitioner: Cessna Aircraft Company.
Section of the FAR Affected: 14 CFR 91.9(a) and 91.531(a)(1) & (2).
Description of Relief Sought: To permit Cessna Aircraft operators of the Cessna Citation Excel Model 560XL, that otherwise meets the minimum crew requirements of 25.1523 with a single pilot, to operate those airplanes without a second in command.

Docket No.: 28768.
Petitioner: Franklin Products Company.
Section of the FAR Affected: 14 CFR 25.853(a).
Description of Relief Sought: To allow a two year time for Exemption No. 6634 for testing and interim use of certain water-based adhesives which do not fully comply with the requirements of 25.853(a) in the manufacture of seat cushions.

Docket No.: 29458.
Petitioner: National Business Aviation Associates, Inc.
Section of the FAR Affected: 14 CFR 61.57(b)(1)(ii).
Description of Relief Sought: To permit NBAA to operate turbine powered airplanes where the PIC does not have to meet the night takeoff and landing currency requirements of 61.57(b)(1)(ii) if the PIC's night landing currency has been maintained or reestablished.

Docket No.: 29460.
Petitioner: Dornier Luftfahrt GMBH.
Section of the FAR Affected: 14 CFR 121.358(a) Amendment 121–270.

Description of Relief Sought: To permit Dornier to operate Dornier 328–300 without an approved Flight Guidance System for a period of six months.

Docket No.: 29530.

Petitioner: Dornier Luftfahrt BmgM.

Section of the FAR Affected: 14 CFR 25.1435(b)(1).

Description of Relief Sought: In lieu of the requirements of 14 CFR 25.1435(b)(1) for a complete hydraulic system static proof pressure test on the airplane, Dornier proposes to conduct a range of motion test on the airplane at the system relief pressure, 3580 psig, and component qualification testing at 1.5 times operating pressure (4500 psig) per 25.1435(a)(2), for the hydraulic system on the Dornier Model 328–300 airplane.

Docket No.: 29531.

Petitioner: Dornier Luftfahrt BmbH.

Section of the FAR Affected: 25.841(a)(2) and (3).

Description of Relief Sought: Dornier Luftfahrt BmbH requests relief from the requirements of 14 CFR § 25.841(a)(2) and (3) at amendment 25–87 from the cabin decompression requirements in determination of the certification basis for the Dornier Model 328–300 airplane.

Disposition of Petitions

Docket No.: 10633.

Petitioner: FAA Technical Center.

Sections of the FAR Affected: 14 CFR 91.117(a), 91.119(c), 91.159(a) and 91.303(e).

Description of Relief Sought/ Disposition: To allow the FAA Technical Center to conduct certain Flight OPS in support of its R&D projects without meeting certain FAA Regulations governing: (1) aircraft speed, (2) minimum safe altitudes, (3) cruising altitudes for flights conducted under visual flight rules, and (4) aerobatic flight.

Grant, 4/7/99, Exemption No. 6883.

Docket No.: 23147.

Petitioner: The Boeing Company.

Sections of the FAR Affected: 14 CFR 91.515(a)(1).

Description of Relief Sought/ Disposition: To permit Boeing to conduct noise measurement tests, Ground Proximity Warning System research and development, and aircraft certification tests at altitudes less than 1,000 feet above the surface or 1,000 feet from any mountain, hill, or other obstruction to flight.

Grant, 3/29/99, Exemption No. 4783F.

Docket No.: 23805.

Petitioner: U.S. Department of the Interior, Fish and Wildlife Service.

Sections of the FAR Affected: 14 CFR 91.119(b) and (c).

Description of Relief Sought/ Disposition: To allow FWS to conduct Federal game and trespass regulation enforcement operations no closer than 200 feet from the suspect and no closer than 500 feet from any other persons, vessels, vehicles, and structures in other than congested areas and sparsely populated areas.

Partial Grant, 3/17/99, Exemption No. 6872.

Docket No.: 25862.

Petitioner: Cessna Aircraft Company.

Sections of the FAR Affected: 14 CFR 47.69(b).

Description of Relief Sought/ Disposition: To permit the Cessna Aircraft Company to use its dealer certificate for the operation and demonstration of aircraft outside the United States.

Grant, 4/2/99, Exemption No. 5043E.

Docket No.: 26474.

Petitioner: Deere & Company.

Sections of the FAR Affected: 14 CFR 21.197(a)(1).

Description of Relief Sought/ Disposition: To permit Deere & Company to operate two CESSNA Model CE–650 aircraft (Registration Nos. N600JD and N900JD, Serial Nos. 650–0236 and 650–0213, respectively) without obtaining a special flight permit when the aircraft flaps fail in the ''up'' position.

Grant, 3/31/99, Exemption No. 6581A.

Docket No.: 27690.

Petitioner: M. Shannon & Associates.

Sections of the FAR Affected: 14 CFR 91.9(a) and 91.531(a)(1) and (2).

Description of Relief Sought/ Disposition: To permit Shannon and certain operators of Cessna Citation 500, 550, AND S550 aircraft to operate those aircraft without a pilot designated as second in command (SIC).

Grant, 3/29/99, Exemption No. 6480B.

Docket No.: 27999.

Petitioner: Alaska Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.433(c)(1)(iii), 121.440(a), 121.441(a)(1) and (b)(1), and Appendix F.

Description of Relief Sought/ Disposition: To permit ALA to combine recurrent flight and ground training and proficiency checks to ALA's flight crewmembers in a Single Visit Training Program.

Grant, 3/29/99, Exemption No. 6043B.

Docket No.: 28672.

Petitioner: Alaska Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.709(b)(3).

Description of Relief Sought/ Disposition: To permit ALA's certificated A&P mechanics to train flight operations instructors in the installation and removal procedures for medevac stretchers in ALA's aircraft during ground and flight training, subject to certain conditions.

Grant, 3/12/99, Exemption No. 6603A.

Docket No.: 28742.

Petitioner: Aerolineas Argentinas, S.A.

Section of the FAR Affected: 14 CFR 145.47(b).

Description of Relief Sought/ Disposition: To allow Aerolineas Argentinas, S.A. to use Instituto Nacional de Tecnologia Industrial standards of Argentina for calibration in lieu of the calibration standards of NIST to test its inspection and test equipment.

Grant, 3/12/99, Exemption No. 6584A.

Docket No.: 28820.

Petitioner: Northern Air Cargo, Inc.

Section of the FAR Affected: 14 CFR 119.67(a)(1).

Description of Relief Sought/ Disposition: To permit Mr. Leonard F. Kirk to continue to serve as director of operations for Northern Air Cargo, Inc., without him holding an ATP certificate.

Grant, 3/31/99, Exemption No. 6592A.

Docket No.: 28828.

Petitioner: North American Airlines, Inc.

Section of the FAR Affected: 14 CFR 119.67(a)(1).

Description of Relief Sought/ Disposition: To permit Mr. Edward E. Dascoli to continue to serve as director of operations for North American Airlines without him holding an ATP certificate.

Grant, 3/31/99, Exemption No. 6593A.

Docket No.: 29282.

Petitioner: The Boeing Company.

Section of the FAR Affected: 14 CFR 25.785(d), 25.807(c)(1), 25.857(e) and 25.1447(c)(1).

Description of Relief Sought/ Disposition: To permit type certification of the MD–10 freighter airplanes equipped with a Class E cargo compartment, with accommodations for either (1) up to four supernumeraries in one configuration or (2) up to two supernumeraries in another configuration, to have either configuration immediately aft of the cockpit as proposed.

Partial Grant, 3/23/99, Exemption No. 6873.

Docket No.: 29302.

Petitioner: Raytheon E-Systems.

Section of the FAR Affected: 14 CFR 25.365(e)(2), 25.562(c)(2) through (4) and (6), 25.785(b), 25.785(h)(2), 25.813(e), and 25.853(d).

Description of Relief Sought/ Disposition: To allow the installation of flight attendant seats that do not provide a direct view of the cabin, to allow the installation of interior doors, and to

install interior materials that do not comply with heat release and smoke emission requirements on a Boeing 777 airplane.

Partial Grant, 4/1/99, Exemption No. 6881.

Docket No.: 29377.

Petitioner: GTA Air, Inc.

Section of the FAR Affected: 14 CFR 135.143(c).

Description of Relief Sought/ Disposition: To permit GTA Air to operate certain aircraft under Part 135 without a Mode S Transponder installed in each aircraft.

Grant, 3/22/99, Exemption No. 6879.

Docket No.: 29405.

Petitioner: North Star Air Cargo, Inc.

Section of the FAR Affected: 13 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit North Star Air Cargo to operate seven twin-engine aircraft under Part 135 without a Mode S Transponder installed in each aircraft.

Grant, 3/22/99, Exemption No. 6878.

Docket No.: 29472.

Petitioner: Blessing, Davis A.

Section of the FAR Affected: 14 CFR 121.383(c).

Description of Relief Sought/ Disposition: To permit Mr. Blessing to act as pilot in operations under Part 121 after reaching his 60th birthday.

Grant, 3/31/99, Exemption No. 6880.

Docket No.: 29473.

Petitioner: New Air Helicopters.

Description of Relief Sought/ Disposition: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To permit New Air Helicopters to operate its Bell helicopter (Registration No. N5754K, Serial No. 3126) under Part 135 without a Mode S Transponder installed in the aircraft.

Grant, 4/8/99, Exemption No. 6884.

Docket No.: 29524.

Petitioner: Tower Air, Inc.

Section of the FAR Affected: 14 CFR 91 SFAR 82.

Description of Relief Sought/ Disposition: To permit Tower Air, Inc. and its pilots in command to conduct up to a maximum of four flights within the territory and airspace of Sudan.

Grant, 4/2/99, Exemption No. 6882.

[FR Doc. 99–9881 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In March 1999, there were seven applications approved. This notice also includes information on three applications, approved in February 1999, inadvertently left off the February 1999 notice. Additionally, three approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: County of Brown, Green Bay, Wisconsin.

Application Number: 99–02–C–GRB.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $2,768.496.

Earliest Charge Effective Date: May 1, 1999.

Estimated Charge Expiration Date: August 1, 2002.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Purchase aircraft rescue and firefighting (ARFF) vehicle. Acquire snow removal equipment. Partial rehabilitation of airfield pavements and security fencing; Expand air carrier apron; PFC administration costs; Terminal entrance road reconstruction.

Decision Date: February 22, 1999.

For Further Information Contact: Daniel J. Millenacker, Minneapolis Aircrafts District Office, (612) 713–4350.

Public Agency: Melbourne Airport Authority, Melbourne, Florida.

Application Number: 99–03–C–00–MLB.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $687,088.

Earliest Charge Effective Date: July 1, 1999.

Estimated Charge Expiration Date: July 1, 2000.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Melbourne International Airport.

Brief Description of Projects Approved for Collection and Use: Master plan update, phase 2; Proximity suits for firefighters; ARFF vehicle; Wetland mitigation land acquisition; Construct safety area/wetland mitigation; Emergency generators for terminal; Runway power sweeper.

Decision Date: February 24, 1999.

For Further Information Contact: Ilia A. Quinones, Orlando Airports District Office, (407) 812–6331, extension 33.

Public Agency: City of Modesto, California.

Application Number: 99–05–C–00–MOD.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $154,750.

Earliest Charge Effective Date: May 1, 1999.

Estimated Charge Expiration Date: September 1, 2001.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Modesto City-County Airport—Harry Sham Field.

Brief Description of Projects Approved for Collection and Use: ARFF improvements; General aviation entrance road phase 1—design; Relocate airfield regulators; Resurface taxiways A and B, phase 1—design engineering and phase 2—construction.

Decision Date: February 26, 1999.

For Further Information Contact: Marlys Vanvervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: Kansas City Aviation Department, Kansas City, Missouri.

Application Number: 99–02–C–00–MCI.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $28,723,139.

Earlist Charge Effective Date: January 1, 2005.

Estimated Charge Expiration Date: May 1, 2006.

Class of Air Carriers Not Required to Collect PFC's: Air taxi/commercial operators filing FAA Form 1800.31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has

determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Kansas City International Airport.

Brief Description of Projects Approved for Collection and Use: Airfield storm drainage; Construction of hold apron west of terminal B; new automated access control system; Reconstruct taxiway D.

Brief Description of Project Partially Approved for Collection and Use: PFC development and administration.

Determination: Partially approved. The FAA notes that public agencies may choose to accomplish the PFC administration tasks by contracting through a consultant, internal personnel, or a combination of the two. The FAA notes that the public agency plans to sue a portion of the approved PFC revenue to fund a full time position for the administration of the PFC program. As a condition for the FAA's approval of this project, the FAA requires that the public agency provide to the FAA each year of the PFC and/or use/from the date of issue of this decision) a letter certifying that the funds expended for the full time position are directly and exclusively used for PFC administrative tasks during the preceding year, along with a record of the hours spent on each PFC related task listed in the description of this project during that year. The allowable portion of the public agency's costly of administrating its PFC program does not include costs associated with operations and maintenance, general purpose equipment such as computer hardware, nor benefits including, but not limited to, leave, retirement, or overhead. It also does not include project management activities.

Brief Description of Projects Approved for Use: Overlay runway 9/27 and taxiway C (between C1 and C9; Construct Federal Inspection Services facility; Taxiway B rehabilitation; Terminal improvements.

Brief Description of Project Partially Approved for Use: Expand general aviation apron.

Determination: Partially approved. The FAA has determined that the taxiway connector was not included in the impose only project description and therefore did not have impose authority.

Decision Date: March 1, 1999.

For Further Information Contact: Lorna Sandridge, Central Region Airports Division, (816) 426–4730.

Public Agency: City of Oklahoma City, Oklahoma.

Application Number: 99–02–C–00–OKC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $7,465,206.

Earlist Charge Effective Date: June 1, 1999.

Estimated Charge Expiration Date: November 1, 2000.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Will Rogers World Airport.

Brief Description of Projects Approved for Collection and Use: Construct ARFF facility; Construct southwest stormwater detention facility; Construct snow removal equipment facility; Aircraft pavement rejuvenation; Emergency access road reconstruction.

Decision Date: March 1, 1999.

For Further Information Contact: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

Public Agency: City of Billings, Montana.

Application Number: 99–02–U–00–BIL.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue To Be Used in This Decision: $2,756,042.

Charge Effective Date: April 1, 1994.

Estimated Charge Expiration Date: February 1, 2001.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use: Relocate and upsize sanitary sewer; Extend and upgrade waterlines.

Decision Date: March 18, 1999.

For Further Information Contact: David P. Gabbert, Helena Airports District Office, (406) 449–5271

Public Agency: State of Connecticut, Department of Transportation, Bureau of Aviation and Ports, Windsor Locks, Connecticut.

Application Number: 99–08–U–00–BDL.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue To Be Used in This Decision: $14,360,000.

Charge Effective Date: September 1, 1997.

Estimated Charge Expiration Date: November 1, 1999.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use: Construct new fire station #1; Construct glycol collection facility.

Decision Date: March 26, 1999.

For Further Information Contact: Priscilla Scott, New England Region Airports Division, (781) 238–7614.

Public Agency: City of Saint Louis Airport Authority, Saint Louis, Missouri.

Application Number: 99–05–U–00–STL.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue to Be Used in This Decision: $155,000,000.

Charge Effective Date: June 1, 1998.

Estimated Charge Expiration Date: January 1, 2002.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use: Property and business acquisition for Natural Bridge Road relocation (phase I);

Land acquisition for Natural Bridge Road relocation (phase II); Land acquisition for new runway 12R/30L site preparation work; Early road work; Design fees for roads and runway (including program management consultant/airport development program consultant fees.

Decision Date: March 30, 1999.

For Further Information Contact: Lorna Sandridge, Central Region Airports Division, (816) 426–4730.

Public Agency: City of Pensacola, Florida

Application Number: 99–04–C–00–PNS.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $19,400,000.

Earliest Charge Effective Date: June 1, 1999.

Estimated Charge Expiration Date: June 1, 2009.

Class of Air Carriers Not Required to Collect PFC's: Part 135 air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Pensacola Regional Airport.

Brief Description of Project Approved for Collection and Use: Runway 8/26 rehabilitation.

Brief Description of Project Approved for Collection: Runway 8/26 extension.

Decision Date: March 31, 1999.

For Further Information Contact: Bud Jackman, Orlando Airports District Office, (407) 812–6331, extension 22.

Public Agency: Albany-Doughtery County Aviation Commission, Albany, Georgia.

Application Number: 98–02–C–00–ABY.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $629,049.

Earliest Charge Effective Date: June 1, 1999.

Estimated Charge Expiration Date: December 1, 2004.

Class of Air Carriers Not Required to Collect PFC's: Part 135 air taxi/commercial operators.

Determination: Approved. Based on information contained the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Southeast Georgia Regional Airport.

Brief Description of Projects Approved for Collection and Use: ANTN digital training system, Airfield perimeter fencing; Perimeter fencing—road widening project; Telecommunication device for the deaf; Americans with Disabilities Act signage—terminal building; Commuter passenger boarding bridge; Lighting vault; ARFF maintenance facility; Rehabilitate taxiway lights (taxiway A); Replace ARFF vehicle; Rehabilitate runway lights (runway 4/22); Rehabilitate taxiway A (phase I); Airfield signage; Rehabilitate beacon;

Rehabilitate taxiway A (Phase II) and taxiway C.

Rehabilitate runway 16/34 lights.

Rehabilitate taxiways B, C, and E lighting.

Expand and rehabilitate apron (design only).

Rehabilitate taxiways D and E (design only).

Master plan update.

Rehabilitate runway 4/22 (design only).

Rehabilitate runway 4/22.

Rehabilitate runway 16/34.

Brief Description of Project Approved for Use: Rehabilitate general aviation apron.

Brief Description of Project Disapproved: Bunker gear for ARFF personnel.

Determination: Disapproved. The eligibility of protective clothing for ARFF personnel is limited to one suite for each firefighter employed full-time to fight aircraft fires; and one suit for each position of a less than full-time unit, subject to the limitation that the total number of suits does not exceed two for lightweight vehicles and five for large-type vehicles. Based on this criteria, this location is eligible for 10 suits. Ten proximity suits, which provide more protection for ARFF personnel than do bunker gear suits, were purchased under a previous PFC application; therefore, the bunker gear suits are not eligible.

Decision Date: March 31, 1999.

For Further Information Contact: Larry Clark, Atlanta Airports District Office, (404) 305–7144.

Amendments to PFC Approvals

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
93–01–C–03–MRY Monterey, CA.	03/03/99	$5,294,407	$4,032,754	07/01/02	07/01/02
97–02–C–01–TYR Tyler, TX.	03/08/99	976,449	1,166,292	01/01/03	01/01/03
96–04–C–04–MCO Orlando, FL	03/10/99	101,154,000	103,127,000	06/01/98	07/01/98

Issued in Washington, DC. on April 12, 1999.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 99–9784 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of intent to rule on application (99–02–C–00–UNV) to Impose and Use the Revenue From a Passenger Facility Charge at University Park Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at University Park Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 20, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Ms. Roxane Wren, Harrisburg Airports District Office, 3911 Hartzdale Dr., Suite 1100, Camp Hill, PA 17011.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David E. Branigan, Associate Treasurer for the Pennsylvania State University at the following address:

The Pennsylvania State University, 106 Physical Plant Building, University Park, PA 16802.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Pennsylvania State University under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Roxane Wren, Harrisburg Airports District Office, 3911 Hartzdale Dr., Suite 1100, Camp Hill, PA 17011. 717–730–2831. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use revenue from a PFC at University Park Airport under the provisions of the Aviation Safety and Capacity Expansion act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 26, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Pennsylvania State University was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 6, 1999.

The following is a brief overview of the application.

Application number: 99–02–C–00–UNV
Level of the proposed PFC: $3.00
Proposed charge effective date:
September 1, 1999
Proposed charge expiration date:
October 1, 2004
Total estimated PFC revenue:
$1,449,859

Brief description of proposed projects:

—ARFF Vehicle Modification
—ARFF Equipment
—Snow Removal Equipment Storage Building

—Acquire Snow Removal Vehicles
—Design & Construction of Runway 6–24 Extension & Stormwater Management
—Environmental Assessment Study Cost Overrun
—Phase I Historical/Archaeological Study
—Security Control & Access Improvements
—Handicapped Access Lift
—Connect to Municipal Water
—T/W Extension for Hangar Access
—Interior Roads
—Part 150 Study
—Obstruction Removal
—Highway Access Improvements (Deceleration Lanes)
—AWOS/ASOS
—Property Acquisition (Spearly), Phase I–R/W 6 Approach
—Expand Airline Terminal Apron
—Master Plan Update
—ARFF Vehicle
—Snow Removal Vehicle—Blower
—Construct Aircraft Parking Apron
—Extend Taxiways to T Hangers
—Property Acquisition (Spearly), Phase II—R/W 6 Approach

Class or classes or air carriers which the public agency has requested not be required to collect PFCs: Charter Carriers and Air Taxi.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York, 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Pennsylvania State University.

Issued in Jamaica, New York on April 12, 1999.

Thomas Felix,

Manager, Planning & Programming Branch, Airports Division, Eastern Region.

[FR Doc. 99–9785 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Announcement of the April 1999 Change 11 of the Standard Clauses

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability.

SUMMARY: Federal Aviation Administration (FAA) announces the availability of the April 1999 Change 11 of the standard clauses used in FAA procurement contracts and Screening Information Requests (SIR).

ADDRESSES: The complete text of Change 11 of the standard clauses and the latest versions of the contracting clauses are available on the Internet at http://fast.faa.gov/. Use of the Internet World Wide Web Site is strongly encouraged for access to copies of the current clauses. If Internet service is not available, requests for copies of these documents may be made to the following address:

FAA Acquisition Reform, ASU–100, Rm. 435, 800 Independence Avenue, SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Yvonne Joseph, Procurement Management Branch, Federal Aviation Administration, Rm. 435, 800 Independence Avenue, SW, Washington, DC 20591, (202) 267–8638.

SUPPLEMENTARY INFORMATION: On October 31, 1995, Congress passed an Act Making Appropriations for the Department of Transportation and Related Agencies, for the Fiscal Year Ending September 30, 1996, and for Other Purposes (The 1996 DOT Appropriations Acts). On November 15, 1995, the President signed this bill into law. In Section 348 of this law, Congress directed the Administrator of the FAA to develop and implement a new acquisition management system that addresses the unique needs of the agency. The new FAA Acquisition Management System went into effect on April 1, 1996.

(See Notice of Availability at 61 FR 15155 (April 4, 1996))

The Air Traffic Management System Performance Improvement Act of 1996, title II of the Federal Aviation Reauthorization Act of 1996, Public Law 104–264, October 9, 1996, expanded the procurement reforms previously authorized by the 1996 DOT Appropriations Act. Amendment 01 implements title II and makes other necessary changes to, and clarifications of, the FAA Acquisition Management System.

Issued in Washington, DC, on April 9, 1999.

Gilbert B. Devey, Jr.,

Director of Acquisitions, ASU–1.

[FR Doc. 99–9882 Filed 4–19–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33407]

Dakota, Minnesota & Eastern Railroad Corporation Construction Into The Powder River Basin

AGENCIES: Lead: Surface Transportation Board.

Cooperating:
U.S.D.A. Forest Service.
U.S.D.I. Bureau of Land Management.
U.S. Army Corps of Engineers.

ACTION: Notice to the parties providing an extension of time to submit comments on alternatives and reply comments.

On March 10, 1999, the Final Scope of Study for the Environmental Impact Statement (EIS) and Request for Comments on 1) the Modified Proposed Action, referred to as Alternative C, and 2) the City of Rochester, Minnesota's South Bypass Proposal was issued in this proceeding. The Final Scope provided a 30 day comment period for interested parties to submit comments on the two new proposed alternatives listed above, while making it clear that the 30 day comment period, which was due to expire on April 10, 1999, was in addition to, not a substitute for, the comment period that will be provided on all aspects of the Draft Environmental Impact Statement (DEIS) when that document is made available.

The Board and cooperating agencies have received requests to extend the April 10, 1999 comment date. Some of the requests seek an extension in which to comment on a number of potential environmental impacts and others seek additional time to permit development of bypass alternative proposals.

As discussed below, we will provide a limited additional comment period for interested communities to develop bypass proposals. As we stated in the Final Scope, we are mindful of our obligations under the National Environmental Policy Act, 16 U.S.C. 4321–4335 (NEPA) to explore and evaluate in the EIS a reasonable range of alternatives designed to meet the purpose and need of the applicant's proposal. *Citizens Against Burlington, Inc.* v. *Busey*, 938 F.2d 190 (D.C. Cir. 1991). At the same time, we are aware that we cannot let the environmental review process indefinitely delay the Board's final decision on this matter.

In the Final Scope, we made a preliminary determination, based on the City of Rochester's engineering study and cost estimates, that the City had met an initial burden of showing that its

proposed south bypass may be a feasible routing alternative. Accordingly, we requested comments from the railroad and other concerned parties on whether the south bypass proposal was feasible, or would simply shift the potential environmental consequences of the applicant's proposal to different communities and populations. Having provided this opportunity in Rochester, we believe that we should afford other interested communities the same opportunity to submit specific bypass designs.

Therefore, we will extend the comment period established in the Final Scope for an additional 60 days, or until June 10, 1999, to provide time for any other interested community to submit a bypass proposal. Dakota, Minnesota & Eastern Railroad or any interested party or person who may be affected by a proposed bypass would then have 30 days, or until July 12, 1999, to respond. In addition, parties may use the additional time to submit comments on other alternatives described in the Final Scope.

We note that the information we receive from any community regarding a bypass must be detailed enough for us to determine whether a specific bypass proposal constitutes a reasonable and feasible alternative to the applicant's proposal or merely relocates the potential environmental consequences of the applicant's proposed action. To that end, any bypass proposal submitted by a community must, at a minimum, contain the following information: detailed maps showing where the route would be located; quantified impacts to wetlands; cut and fill requirements to permit design and operation of a railroad; roads that would be crossed and their average daily traffic levels; proximity of the bypass any sensitive structures (for example, schools, libraries, hospitals, residences, retirement communities, and nursing homes); and impacts to landowners and farmlands.

Also, in considering bypass proposals that may be submitted to the Board and determining whether they constitute reasonable, feasible alternatives, we will take into account the applicant's goal to create a more efficient route by which to transport coal. A circuitous route that bypasses numerous communities could add so many additional miles that it would be unlikely to allow applicant to achieve its goal of providing efficient rail transportation. However, before arriving at a final decision on the range of alternatives to be addressed in the DEIS, we will carefully consider any specific bypass proposal and all responses to such a proposal.

Finally, we must balance our responsibility to analyze a reasonable range of alternatives with the need to move the environmental review process forward without undue delay. To allow us to issue the DEIS in a timely manner, we will not grant further extensions of time.

The requests for additional time to provide comments on potential environmental impacts will be denied. As the Board and its cooperating agencies stated in the Final Scope, we are in the process of preparing a DEIS analyzing all potential environmental effects discovered during the course of the environmental review process, including concerns identified during scoping. The DEIS will be made available upon its completion for public review and comment. Accordingly, there is no need to provide an additional comment period on potential environmental impacts at this point.

Bypass proposals and comments on alternatives described in the Final Scope must be submitted to the Board by June 10, 1999. Replies or responses must be submitted by July 12, 1999. Comments should be sent to: Office of the Secretary, Case Control Unit, STB Finance Docket No. 33407, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423–0001.

To ensure proper handling of your comments, you must mark your submission:

Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams,

Secretary.

[FR Doc. 99–9860 Filed 4–19–99; 8:45 am]

BILLING CODE 4915–00–P

Federal Register

Tuesday
April 20, 1999

Part II

Department of Education

Bilingual Education: Field-Initiated Research Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.292B]

Bilingual Education: Field-Initiated Research Program

ACTION: Notice Inviting Applications for New Awards for Fiscal Year (FY) 1999.

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing this program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this program. The statutory authorization for this program is contained in section 7132 of the Elementary and Secondary Education Act of 1965 (ESEA), 20 U.S.C. 7452, as amended by the Improving America's Schools Act of 1994, Pub. L. 103–382 (October 20, 1994).

Purpose of Program: The purpose of this program is to provide grants for field-initiated research activities related to the improvement of bilingual education and special alternative instructional programs for limited English proficient (LEP) children and youth.

Eligible Applicants: Institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies that have received grants under subparts 1 or 2 of Part A (or Part A or Part B, as in effect prior to October 20, 1994) of Title VII of the ESEA within the previous five years.

Deadline for Transmittal of Applications: May 20, 1999.

Deadline for Intergovernmental Review: July 19, 1999.

Available Funds: $170,000.

Estimated Range of Awards: $50,000–$70,000.

Estimated Average Size of Awards: $60,000.

Estimated Number of Awards: 3.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86, and the regulations in 34 CFR part 299, General Provisions, ESEA.

Description of Program: Funds under this program are available to carry out field-initiated research conducted by current or recent recipients of grants under subparts 1 or 2 who have received those grants within the previous five years. Research under this program may provide for longitudinal studies of students or teachers in bilingual education, monitoring the education of those students from entry in bilingual education through secondary school completion.

Priority

Invitational Priority

The Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)):

Applications that propose to focus on research that leads to answering significant questions on the assessment of academic achievement for LEP students.

Note: For further information on assessment issues, see ''High Stakes Assessment: A Research Agenda for English Language Learners,'' which is available from the National Clearinghouse for Bilingual Education, telephone—1–800–321–6223 or website at http://www.ncbe.gwu.edu.

Selection Criteria

The Secretary uses the following selection criteria in 34 CFR 75.210 to evaluate applications for new grants under this competition.

The maximum score for all of these criteria is 100 points.

The maximum score for each criterion is indicated in parentheses.

(a) *Need for project* (5 points). (1) The Secretary considers the need for the proposed project. (2) In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) *Significance* (10 points). (1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The significance of the problem or issue to be addressed by the proposed project.

(ii) The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.

(iii) The likelihood that the proposed project will result in system change or improvement.

(iv) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(c) *Quality of the project design* (50 points). (1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the proposed project is based upon a specific research design, and the quality and appropriateness of that design, including the scientific rigor of the studies involved.

(iii) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives.

(iv) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(d) *Quality of project personnel* (20 points). (1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(e) *Adequacy of resources* (5 points). (1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the budget is adequate to support the proposed project.

(ii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(f) *Quality of the management plan* (10 points). (1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on November 3, 1998 (63 FR 59452 through 59455).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department. Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.292B, U.S. Department of Education, Washington, D.C. 20202–0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (EST) on the date indicated in this Notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Instructions For Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention (CFDA# 84.292B), Washington, D.C. 20202–4725 or

(2) Hand-deliver the original and two copies of the application by 4:30 p.m. (EST) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.292B), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this notice contains the following forms and instructions, plus a statement regarding estimated public reporting burden, a notice to applicants regarding compliance with section 427 of the General Education Provisions Act (GEPA), a checklist for applicants, various assurances, certifications, and required documentation:

a. Instructions for the Application Narrative.

b. Additional Guidance.

c. Estimated Public Reporting Burden Statement.

d. Notice to All Applicants.

e. Checklist for Applicants.

f. Application for Federal Assistance (Standard Form 424) and instructions.

g. Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

h. Eligibility Certification.

i. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

j. Certifications Regarding: Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

k. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

(Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

l. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application. Please mark each application as ''original'' or ''copy.'' No grant may be awarded unless a completed application has been received.

FOR FURTHER INFORMATION CONTACT: Milagros Lanauze, U.S. Department of Education, 400 Maryland Ave., SW., Room 5086, Switzer Building, Washington, D.C. 20202–6510. Telephone: (202) 205–9475. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal

Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this notice in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternate format the standard forms included in the notice.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll-free, 1–800–222–4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

Program Authority: 20 U.S.C. 7452.

Dated: April 14, 1999.

Delia Pompa,

Director, Office of Bilingual Education and Minority Languages Affairs.

Estimated Public Reporting Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1885–0547 (Exp. 04/30/2002). The time required to complete this information collection is estimated to average 145 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202–4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5086, Switzer Building, Washington, D.C. 20202–6510.

Instructions for the Application Narrative

Mandatory Page Limit for the Application Narrative

The narrative portion of the application must not exceed 50 pages. These pages must be double-spaced and printed on one side only. A legible font size and adequate margins should be used. The narrative section must be paginated and should include a one-page abstract. The 50-page limit applies to the abstract, proposal narrative, charts, graphs, tables, graphics, budget narrative, position descriptions (and resumes, if included), and any appendices. The page limit does not apply to application forms, attachments to those forms, assurances, certifications, and the table of contents. The page limit applies only to item 11 and not to the other items in the Checklist for Applicants. Applications with a narrative section that exceeds the page limit will not be considered for funding. The narrative section should begin with an abstract that includes a short description of the population to be served by the project, project objectives, and planned project activities.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include resumes or curriculum vitae for project personnel; provide position descriptions instead.

Additional Guidance

Table of Contents

The application should include a table of contents listing the sections in the order required.

Budget

Budget line items must support the goals and objectives of the proposed project and must be directly related to the instructional design and all other project components.

Final Application Preparation

Use the Checklist for Applicants to verify that your application is complete. Submit three copies of the application, including an original copy containing an original signature for each form requiring the signature of the authorized representative. Do not use elaborate bindings or covers. The application package must be mailed or hand-delivered to the Application Control Center (ACC) and postmarked by the deadline date.

Submission of Application to State Educational Agency

Section 7116(a)(2) of the ESEA, 20 U.S.C. 7426(a)(2), requires all applicants except schools funded by the Bureau of Indian Affairs to submit a copy of their application to their State educational agency (SEA) for review and comment. Section 75.156 of EDGAR requires these applicants to submit their application to the SEA on or before the deadline date for submitting their application to the Department of Education. This section of EDGAR also requires applicants to attach to their application a copy of their letter that requests the SEA to comment on the application (34 CFR 75.156). A copy of this letter should be attached to the Project Documentation Form contained in this application package. Applicants that do not submit a copy of their application to their state educational agency in accordance with these statutory and regulatory requirements will not be considered for funding.

Checklist for Applicants

The following forms and other items must be included in the application in the order listed below:

1. Application for Federal Assistance Form (OMB No. 1875–0106).

2. Budget Information Form (ED Form No. 524).

3. Itemized budget for each year.

4. Assurances—Non-Construction Programs Form (SF 424B).

5. Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Form (ED 80–0013).

6. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions Form (ED 80–0014) (if applicable).

7. Disclosure of Lobbying Activities Form (SF–LLL).

8. Copy of letter requesting SEA comment on the application.

9. Form on General Education Provisions Act (GEPA) Requirement (See section entitled NOTICE TO ALL APPLICANTS (OMB No. 1801–0004)).

10. Table of Contents.

11. Application narrative, including abstract (not to exceed 50 pages).

12. One original and two copies of the application for transmittal to the Education Department's Application Control Center.

BILLING CODE 4000–01–U

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address

Legal Name:_____

Address:_____

City _____ State _____ County _____ ZIP Code + 4 _____ - _____

Organizational Unit

2. Applicant's D-U-N-S Number

3. Catalog of Federal Domestic Assistance #: 8 4 2 9 2 B ➡ Title: Bilingual Education: Field Initiated Research Program

4. Project Director:_____

Address:_____

City _____ State _____ ZIP Code + 4 _____ - _____

Tel. #: ( ) _____ - _____ Fax #: ( ) _____ - _____

E-Mail Address:_____

5. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
(If "Yes," attach an explanation.)

6. Type of Applicant *(Enter appropriate letter in the box.)* ☐

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*:_____

7. Novice Applicant ☐ Yes ☐ No

Application Information

8. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

9. Is application subject to review by Executive Order 12372 process?

☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/_____

☐ No *(If "No," check appropriate box below.)*

☐ Program is not covered by E.O. 12372.

☐ Program has not been selected by State for review.

10. Proposed Project Dates:

Start Date:	End Date:
___/___/_____	___/___/_____

11. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No

a. If "Yes," Exemption(s) #:

OR

b. Assurance of Compliance #:

c. IRB approval date: _____ { ☐ Full IRB **or** ☐ Expedited Review

12. Descriptive Title of Applicant's Project:

Estimated Funding

13a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$_____	.00

Authorized Representative Information

14. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative

b. Title

c. Tel. #: ( ) _____ - _____ Fax #: ( ) _____ - _____

d. E-Mail Address:

e. **Signature of Authorized Representative** Date: ___/___/_____

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

4. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

5. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

6. **Type of Applicant.** Enter the appropriate letter in the box provided.

7. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

8. **Type of Submission.** Self-explanatory.

9. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

10. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

11. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 11 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 11a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 11a, are appropriate. **Provide this narrative information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 11.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 11a and continue with the remaining parts of item 11, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 11b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 11c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 11c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 11b and skip 11c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

12. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

13. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 13.

14. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 14e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 11 on the application "Yes" and designated exemptions in 11a, **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 11 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION BUDGET INFORMATION NON-CONSTRUCTION PROGRAMS	OMB Control No. 1880--0538 Expiration Date: 10/31/99
Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12 Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* **$**	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:** _____ **Title:** _____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, DC 20202-4651.

[FR Doc. 99–9803 Filed 4–19–99; 8:45 am]
BILLING CODE 4000–01–U

Federal Register

Tuesday
April 20, 1999

Part III

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals: Community Food Projects Competitive Grants Program; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals: Community Food Projects Competitive Grants Program

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Announcement of availability of grant funds and request for proposals (RFP) for the Community Food Projects Competitive Grants Program.

SUMMARY: The Federal Agriculture Improvement and Reform Act of 1996 established new authority for a program of Federal grants to support the development of community food projects designed to meet the food needs of low-income people; increase the self-reliance of communities in providing for their own food needs; and promote comprehensive responses to local food, farm, and nutrition issues.

This RFP sets out the objectives for these projects, the eligibility criteria for projects and applicants, and the application procedures. Proposals are requested for projects designed to increase food security in a community (termed Community Food Projects).

This RFP contains the entire set of instructions needed to apply for a Fiscal Year (FY) 1999 Community Food Projects Competitive Grants Program (CFPCGP) grant.

DATES: APPLICATIONS MUST BE RECEIVED ON OR BEFORE June 4, 1999. (See PART IV—SUBMISSION OF A PROPOSAL below for information on where and when to submit an application.) Proposals received after June 4, 1999 will be returned without review.

FOR FURTHER INFORMATION CONTACT: Dr. Mark R. Bailey, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, SW., Washington, DC 20250–2241; telephone: (202) 401–1898; Internet: mbailey@reeusda.gov., or Dr. Elizabeth Tuckermanty, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2240, 1400 Independence Avenue, SW., Washington, DC 20250–2240, telephone: (202) 205–0241; Internet: etuckermanty@reeusda.gov

Table of Contents

Part I—General Information

A. Legislative Authority

Section 25 of the Food Stamp Act of 1977, as amended by Section 401(h) of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–127) (7 U.S.C. 2034), authorized a new program of Federal grants to support the development of community food projects; $16 million is authorized over seven years (1996–2002). For FY 1999, approximately $2.5 million is available ($2.5 million has been authorized in each subsequent year through fiscal year 2002). These grants are intended to assist eligible private nonprofit entities that need a one-time infusion of Federal dollars to establish and sustain a multi-purpose community food project.

B. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

(1) *Administrator* means the Administrator of the Cooperative State Research, Education, and Extension Service and any other officer or employee of the Department to whom the authority involved may be delegated.

(2) *Authorized departmental officer* means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

(3) *Authorized organizational representative* means the president, director, or chief executive officer of the applicant organization or the official, designated by the president, director, or chief executive officer of the applicant organization, who has the authority to commit the resources of the organization.

(4) *Budget period* means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(5) *Cash contributions* means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

(6) *Community Food Project* is a project that requires a one-time infusion of Federal assistance to become self-sustaining and is designed to: (i) Meet the food needs of low-income people; (ii) increase the self-reliance of communities in providing for their own food needs; and (iii) promote comprehensive responses to local food, farm, and nutrition issues. These activities help to increase food security in a community.

(7) *Department* or *USDA* means the United States Department of Agriculture.

(8) *Grant* means the award by the Secretary of funds to a private, non-profit entity to assist in meeting the costs of conducting, for the benefit of the public, an identified Community Food Project which is intended and designed to accomplish the purpose of the program as identified in these guidelines.

(9) *Grantee* means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

(10) *Matching* means that portion of project costs not borne by the Federal Government, including the value of third party in-kind contributions.

(11) *Prior approval* means written approval evidencing prior consent by an authorized departmental officer as defined in (2) above.

(12) *Private non-profit entity* means any corporation, trust, association, cooperative or other organization which (i) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (ii) is not organized primarily for profit; and (iii) uses its net proceeds to maintain, improve, and/or expand its operations. For this program, the term private nonprofit organization excludes public entities, including State, local, and Federally recognized Indian tribal governments.

(13) *Project* means the particular activity within the scope of the program supported by a grant award.

(14) *Project director* means the single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

(15) *Project period* means the period, as stated in the award document and modifications thereto, if any, during which Federal sponsorship begins and ends.

(16) *Review experts* means a group of experts qualified by training and experience in particular fields to give expert advice on the merit of grant applications in such fields, and who evaluate eligible proposals submitted to this program in their personal and professional area(s) of expertise.

(17) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved may be delegated.

(18) *Third Party in-kind contributions* means non-cash contributions of property or services provided by non-Federal third parties, including real property, equipment, supplies and other expendable property, directly benefitting and specifically identifiable to a funded project or program.

C. Eligibility

Grantees under the CFPCGP are statutorily limited to private, nonprofit entities. Because proposals for Community Food Projects must promote comprehensive responses to local food, farm, and nutrition issues, applicants are encouraged to seek and create partnerships with public, private nonprofit, and private for-profit entities. However, no more than one-third of an award for a Community Food Project may be subawarded to a for-profit organization or firm.

To be eligible for a Community Food Project grant, a private nonprofit applicant must meet three requirements:

(1) Have experience in the area of:

(a) Community food work that involves the provision of food to low-income people and familiarity with developing new markets in low-income communities to enhance their access to fresher, more nutritious foods; and/or

(b) Job training and business development activities for food-related activities in low-income communities to increase the potential for long-term sustainability in the food security project being proposed;

(2) Demonstrate competency to implement a project, provide fiscal accountability and oversight, collect data, and prepare reports and other appropriate documentation; and

(3) Demonstrate a commitment and willingness to share information with researchers, evaluators, practitioners, and other interested parties.

Successful applicants will be required to attend an evaluation training meeting and should include in their budget request funding for travel to Washington, D.C. for two persons to attend a two to three day meeting. More information will be provided once successful applicants are identified.

The intent of the CFPCGP is to encourage and support community-based, grass-roots efforts that enhance food security. Applicants are strongly encouraged to link with academic and/or other appropriate professionals, and to involve other relevant community-based organizations and local government entities, as they plan for and then develop proposals that serve the mutual interests that support community food security projects.

Part II—Program Description

A. Purpose and Scope of the Program

Proposals are invited for competitive grant awards under the CFPCGP for FY 1999. This program is administered by the Cooperative State Research, Education, and Extension Service (CSREES) of the U.S. Department of Agriculture (USDA). The purpose of this program is to support the development of Community Food Projects with a one-time infusion of Federal dollars to make such projects self-sustaining. Community Food Projects should be designed to: (i) Meet the food needs of low-income people; (ii) increase the self-reliance of communities in providing for their own food needs; and (iii) promote comprehensive responses to local food, farm, and nutrition issues.

Community Food Projects are intended to take a comprehensive approach to developing long-term solutions to an identified community food need that help to ensure food security in communities by linking the food production and processing sectors to community development, economic opportunity, and environmental enhancement. Comprehensive solutions may include elements such as: (i) Improved access to high quality, affordable food among low-income households; (ii) expanded economic opportunities for community residents through local businesses or other economic development, improved employment opportunities, job training, youth apprenticeship, school-to-work transition, and the like, and (iii) support for local food systems, from urban gardening to local farms that provide high quality fresh foods, ideally with minimal adverse environmental impact. Any solution proposed must tie into community food needs.

Project goals should integrate multiple objectives into their design. Proposed projects should seek to address impacts beyond a specific goal such as increasing food produced or available for a specific group. Goals and objectives should integrate economic, social, and environmental impacts such as job training, employment opportunities, small business expansion, neighborhood revitalization, open space development, transportation assistance or other community enhancements.

B. Available Funds and Award Limitations

The amount of funds available in FY 1999 for support of grant awards under this program is approximately $2,400,000. Applicants should request a budget commensurate with the project proposed. However, due to the effort required to properly evaluate proposals, USDA strongly urges that the Federal funds requested for a Community Food Project not be less than $10,000.

The spirit of the authorizing legislation is that no one grant should command a significant portion of the total funds available and that many grants be awarded each year. Therefore, USDA has concluded that no single grant shall exceed $100,000 in any single year or more than $250,000 over the life of the project.

Applicants may request one, two, or three years of funding, but in all cases, the grant term may not exceed three years for any one project. A Community Food Project may be supported by only a single grant under this program.

Awards will be made based on the merit of the proposed project with budgets considered only after the merits of the project have been determined. USDA reserves the right to negotiate final budgets with successful applicants. It is intended that the grantee will perform the substantive effort on the project. No more than one-third of the award, as determined by budget expenditures, may be subawarded to for-profit organizations. For purposes of obtaining additional knowledge or expertise that is not currently within the applicant organization, funds for expert consultation may be included in the All Other Direct Costs section of the proposed budget.

C. Matching Funds Requirement

Federal funds requested must be matched, at a minimum, on a dollar-for-dollar basis.

Successful applicants must provide matching funds, either in cash and/or third party in-kind, amounting to at least 50 percent of the total cost of the project (i.e., an amount equal to or greater than the amount of Federal funds being requested) during the term of the grant award as provided by

section 25(e) of the Food Stamp Act of 1977. The Federal share of the project costs can be no more than 50 percent of the total.

Grantees may provide for the non-Federal share through cash and/or third party in-kind contributions, fairly evaluated, including facilities, equipment, and services. A grantee may provide for the non-Federal share of the funding through State government, local government, or private sources. Examples of matching funds include direct costs such as: Rent for office space used exclusively for the funded project; duplication or postage costs; and staff time from an entity other than the applicant for job training or nutrition education.

Part III—Preparation of a Proposal

A. Program Application Materials

Program application materials will be made available to interested entities upon request. These materials include information about the purpose of the program, how the program will be conducted, and the required contents of a proposal, as well as the forms needed to prepare and submit grant applications under the program. To obtain program application materials, please contact the Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; Telephone: (202) 401–5048. When contacting the Proposal Services Unit, please indicate that you are requesting application materials for the FY 1999 Community Food Projects Competitive Grants Program.

Application materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov that states that you wish to receive a copy of the application materials for the FY 1999 Community Food Projects Competitive Grants Program. The materials will then be mailed to you (not e-mailed) as quickly as possible. You may also download this RFP and the application forms by contacting the agency home page at www.reeusda.gov, and clicking on ''Funding Opportunities,'' that brings up ''All Funding Opportunities,'' and then click on ''Community Food Projects Program.''

B. Content of a Proposal

(1) General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using standard size (8½″ x 11″) white paper, one inch margins, typed or word processed using no type smaller than 12 point font regardless of whether it is single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, CG Times). Once accepted for review, your proposal will be read by at least three expert reviewers. Thus it is to your advantage to ensure that your proposal is not difficult to read.

(b) Each page of the proposal, including the Project Summary, budget pages, required forms, and appendices, should be numbered sequentially in the top right corner.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 9 copies (10 total) must be submitted in one package, along with 20 copies of the ''Project Summary'' as a separate attachment.

(2) Cover Page

Complete Form CSREES–661, Application for Funding, in its entirety. This form is to be utilized as the Cover Page. In Block 14., note the total amount of Federal dollars being requested.

(a) Blocks 7., 13., 18., 19., 20., and 21., have been completed for you.

(b) In Block 8., enter ''Community Food Project''. Ignore all references to a program number.

(c) Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(d) The original copy of the Application for Funding form must contain the pen-and-ink signatures of the project director(s) and authorized organizational representative for the applicant organization.

(e) Note that by signing the Application for Funding form, the applicant is providing the required certifications set forth in 7 CFR part 3017 regarding Debarment and Suspension and Drug-Free Workplace, and 7 CFR part 3018, regarding Lobbying. The three certification forms are included in this application package for informational purposes only. It is not necessary to sign and submit the forms to USDA as part of the proposal.

(3) Table of Contents

For ease in locating information, each proposal must contain a detailed table of contents just after the Cover Page. The Table of Contents should include page numbers for each component of the proposal. Page numbers, shown in the top right corner, should begin with the first page of the project summary.

(4) Project Summary

The proposal must contain a project summary of 250 words or less on a separate page. The summary must be self-contained and describe the overall goals and relevance of the project. The summary should also contain a listing of the major organizations participating in the project. The Project Summary should immediately follow the Table of Contents. In addition to the summary, this page must include the title of the project, the name of the applicant organization, the authorized organizational representative, and the project director(s), followed by the summary.

(5) Project Narrative

PLEASE NOTE: The Project Narrative shall not exceed 10 pages. This maximum has been established to ensure fair and equitable competition. Reviewers are instructed that they need to read only the first 10 pages of the Project Narrative and to ignore information on additional pages. The Project Narrative must repeat and answer each of the following eight questions ((a) through (h) below):

(a) What is the community and the need(s) to be served by the proposed project? This part of the narrative lays the foundation as to the significance of the proposed project.

Succinctly describe critical elements of the local food economy or food system, demographics, income, and geographic characteristics of the area to be served and any other pertinent information, such as the community's assets and needs.

(b) What organizations will be involved in carrying out the proposed project and which segments of the local food economy or system do they link? This information will inform the reviewers on the extent to which the community is involved.

Include a description of the relevant experience of the organizations, including the applicant organization, that will be involved, and any project history. Letters from the organizations involved acknowledging their support and contributions must be provided in an appendix to the proposal. Letters specifying the type and amount of support, where appropriate, are strongly encouraged, for this provides evidence of community involvement. Proposals should demonstrate extensive community linkages and coalitions.

(c) What are the goals or purposes to be achieved by the proposed project?

List these goals and/or purposes of the project and a justification for the goals in terms of the needs stated above.

(d) How will the goals be achieved?

Provide a systematic description of the approach by which the goals will be accomplished.

(e) What are the major milestones that will indicate progress toward achieving the project goals?

Provide a time line or description for accomplishing major project objectives.

(f) The legislation outlines three major objectives of the CFPCGP: (i) Meet the food needs of low-income people;

(ii) increase the self-reliance of communities in providing for their own food needs; and

(iii) promote comprehensive responses to local food, farm and nutrition issues.

What measures will be used to assess project progress toward each of these three objectives? How will you assess whether or to what degree the project achieves these outcomes?

For example, an applicant may propose to develop a farmers' market in a low-income urban area, selling produce grown by farmers in the surrounding area, and employing staff from both the urban and rural communities. The goals may be to increase access to fresh produce by community residents (addresses objective (i), increase employment and the income of farmers (addresses objective (ii), and reduce the extent of poor nutrition among low-income residents (addresses objective (iii). Possible outcome measures are the change in the consumption of produce by customers, the number of jobs created by the market, and the change in income experienced by the farmers supplying the market.

Community Food Project proposals should contain a strong evaluation component. Innovative evaluation strategies are especially encouraged. Evaluations should focus on the measurement of success in meeting the major objectives of the CFPCGP. As required by the statute, a national evaluation of the CFPCGP is being planned. Additional information on how the evaluation process will affect projects funded under the program will be provided in the future.

Through CFPCGP project operations and an evaluation of them, USDA also hopes to learn more about what happens to make such projects succeed, partially succeed, or fail. Therefore, proposals are encouraged that include both process evaluations (developing and monitoring indicators of progress towards the objectives) and outcome evaluations (to determine whether the objectives were met). Applicants should seek the help of experts in evaluation design and implementation as appropriate.

(g) How does the proposed project address each of the following issues: (i) Development of innovative linkages and coalitions between two or more sectors of the food system;

(ii) support for entrepreneurial and job-training projects; and

(iii) encouragement of both short-term and long-term planning activities that encompass many agencies and organizations with different food security interests and missions in order to promote multi-system, interagency approaches?

Provide a description of how each of these issues, as appropriate, will be addressed. Entrepreneurial projects should provide evidence (e.g., in the form of a market analysis or the outline of a business plan) to demonstrate that it is likely to become self-sustaining and provide employees with important job skills.

(h) What are the plans for achieving self-sustainability?

Describe why a one-time infusion of Federal funds will be sufficient for the proposed Community Food Project to advance local capacity-building and deliver sustainability.

(6) Supplementary Considerations

In drafting the project narrative, applicants should keep in mind the intent of the program. Proposed projects should seek solutions rather than be focused on short-term food relief. They should seek comprehensive solutions to problems across all levels of the food system from producer to consumer. This point is emphasized because many proposals submitted previously were primarily for expanding applicant efforts in food relief and assistance, or for connecting established or partially established programs (such as community gardens and farmers' markets) with little evidence of strategic planning and participation by stakeholders in the proposed project design. Proposals must emphasize a food system and/or food security approach (i.e., an applicant must describe the large food-related picture in the community and the place of the proposed project within it). They must also show evidence of information sharing, coalition building, and substantial community linkages.

Applicants should be aware of several USDA policy themes and initiatives that have the potential to strengthen the impact and success of some community food projects. These include food recovery and gleaning efforts; connecting the low-income urban consumer with the rural food producer; aiding citizens in leaving public assistance and achieving self-sufficiency; and utilizing micro enterprise and/or development projects related to community food needs. Relevant ongoing USDA and other Federal initiatives include farmers' markets; USDA's Office of Sustainable Development and Small Farms; USDA and U.S. Department of Housing and Urban Development designated Empowerment Zones, Enterprise Communities; and the AmeriCorps National Service Program (a potential source of staff support for Community Food Projects).

Applicants should also recognize the role played by food and nutrition assistance programs administered by USDA and may want to discuss in their proposals the utilization of these programs by the community and the connection to the proposed Community Food Project. These programs include: the Food Stamp Program; child nutrition programs such as the School Lunch, School Breakfast, Women, Infants, and Children (WIC) Supplemental Nutrition, Child and Adult Care Food, and Summer Food Service Programs; and commodity distribution programs.

Applicants also should be cognizant of resources available from other Federal programs with similar or related goals, such as the Community Food and Nutrition Program (CFNP) and Job Opportunities for Low-Income Individuals (JOLI) program administered by the Office of Community Services within the U.S. Department of Health and Human Services.

Some solutions to food access problems may come from beyond a community's own boundaries, since most food also comes from outside. However, wherever possible, Community Food Projects should support food systems based on strategies that improve the availability of high-quality locally or regionally produced foods to low-income people.

Community Food Projects are intended to bring together stakeholders from the distinct parts of the food system. Solutions to hunger and access to food should reflect a process that involves partnership building among the public, private nonprofit, and private for-profit sectors. Together, these parties can address issues such as: the capacity of the community to produce food and support local growers; the need for, and location of, grocery stores that market affordable, high quality food; transportation constraints; economic opportunities for residents to

increase income, thereby increasing access to high quality nutritious food; community development issues; the environment; and so on.

Community Food Projects should not be designed to merely support individual food pantries, farmers' markets, community gardens or other established projects. Rather, proposed Community Food Projects should build on these experiences and encourage innovative long-term efforts. A project should be designed to endure and outlive the one-time infusion of government and other matching funds. Community Food Projects should be intended to become self-supporting (or have a sustainable funding source) and expand or prove to be a replicable model.

The primary objectives of the CFPCGP are to increase the food self-reliance of communities; promote comprehensive responses to local food, farm and nutrition issues; develop innovative linkages between the public, for-profit, and nonprofit food sectors; and encourage long-term planning activities and multi-system inter-agency approaches. The following are some examples of these objectives in practice:

- Developing a working link between a food bank and area farmers to market fresh produce to a community through community-supported agriculture. Community members provide the financial support while the project develops links to institutions such as restaurants, food pantries, schools, and other institutions. The process increases community awareness and commitment to local agriculture, while providing farmers a local market for their goods, thereby expanding the supply of and access to high-quality food.
- Implementing a comprehensive strategic plan for a lower-income neighborhood to increase residents' access to high-quality, affordable food through farmers' markets, community gardens, supermarkets, and other food programs. Such a plan should include transportation assistance, business development, and/or neighborhood improvement. As with other sector planning, the community participates in identifying its food-related priorities and works with institutions through a collaborative interagency process to meet its objectives.
- Developing a system of community farm stands sponsored by neighborhood organizations and managed by youth that sell locally grown produce in low-income communities. The project provides skills training and/or jobs and aims to become self-supporting within a reasonable time. It increases participants' understanding of the food system, including food production and distribution, expands interest in good nutrition, and provides entrepreneurial training opportunities for young people.
- A local food policy council may develop and implement a plan that creates several new food ventures, including a new supermarket in a low-income neighborhood. The council serves as the planning and coordinating entity that brings together local farmers, for-profit food operators such as restaurants, processors, and retailers with low-income neighborhood development organizations and job training groups, emergency food providers, city hall, and other community service entities.
- Developing a comprehensive community response to job and food needs by creating job opportunities in food-related activities that respond to the needs of local businesses, building technical expertise that leads to well-paid jobs. It will be necessary to bring together resources that facilitate the development of work skills, work ethics, education completion and that respond to community food and nutrition needs.

(7) Key Personnel

Identify the key personnel to be involved in the project, including the project director, if known. (An organizational chart may be included if available.) What is their relevant experience? Include resumes or vitae that provide adequate information for proposal reviewers to make an informed judgment as to the capabilities and experience of the key personnel. For new positions in the project or for positions that are currently unfilled, a job description should be provided.

(8) Budget

(a) Budget Form: Prepare the budget form in accordance with instructions provided with the form. A budget form is required for each year of requested support. In addition, a cumulative budget is required detailing the requested total support for the overall project period. (For example, for a three-year project, the proposal would include four budget forms; one for each of the three years of the project and one cumulative budget for the full three years.) A detailed line-item breakdown of matching contributions should be submitted on separate pages following each yearly budget and the cumulative budget. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project. Applicants must also include a budget narrative or explanation sheet to explain and justify their budgets.

The relative merits of each proposal are judged without initially considering proposed budgets. Once proposals are ranked based on the evaluation criteria, then budgets are closely examined. Thus, applicants should attach an explanation for all budget items to the budget form. Such information is useful to the reviewers and CSREES staff in making final budget recommendations to the Administrator.

(b) Matching Funds. (1) Proposals should include written verification of commitments of matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(i) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (a) The name, address, and telephone number of the donor; (b) the name of the applicant organization; (c) the title of the project for which the donation is made; (d) the dollar amount of the cash donation; and (e) a statement that the donor will pay the cash contribution during the grant period; and

(ii) For any third party in-kind contributions, a separate pledge agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (a) The name, address, and telephone number of the donor; (b) the name of the applicant organization; (c) the title of the project for which the donation is made; (d) a good faith estimate of the current fair market value of the third party in-kind contribution; and (e) a statement that the donor will make the contribution during the grant period.

(2) The sources and amount of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the budget form. All pledge agreements must be placed in the proposal immediately following the summary of matching support.

(3) The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to OMB Circulars A–110,

Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals and Other Non-profit Organizations, and A–122, Cost Principles for Non-Profit Organizations, for further guidance and other requirements relating to matching and allowable costs.

(9) Current and Pending Support

All proposals must list any other current public or private support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA programs or agencies. Concurrent submission of identical or similar proposals to other possible sponsors will not prejudice proposal review or evaluation by the Administrator for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or that will be funded) by another organization or agency will not be funded under this program. The application material includes Form CSREES–663, Current and Pending Support, which is suitable for listing current and pending support. Note that the project being proposed should be included in the proposed section of the form.

(10) Compliance With the National Environmental Policy Act (NEPA)

As outlined in 7 CFR part 3407 (the Cooperative State Research, Education, and Extension Service regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In most cases, based on previously funded projects, the preparation of environmental data is not usually required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, NEPA Exclusions Form, must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefor. If it is the applicant's opinion that the proposed project falls within the categorical exclusions, the specific exclusion must be identified. Form CSREES–1234 and supporting documentation should be the last page of the proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity. This will be the case if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect. However, this rarely occurs.

Part IV—Submission of a Proposal

A. What To Submit

An original and nine copies of the complete proposal must be submitted. Each copy of the proposal must be stapled in the upper left-hand corner. DO NOT BIND. In addition, submit 20 copies of the proposal's Project Summary. All copies of the proposal and Project Summary must be submitted in one package.

B. Where and When To Submit

Proposals must be received by June 4, 1999. Proposals that are hand-delivered, delivered by courier, or sent via overnight delivery services must be sent or delivered to:

Community Food Projects Competitive Grants Program c/o Proposal Services Unit,
Office of Extramural Programs, USDA/CSREES, Room 303, Aerospace Center, 901 D Street, SW, Washington, DC 20024, Telephone: (202) 401–5048.

Note: Applicants are strongly encouraged to submit their completed proposals via overnight mail or delivery services to ensure timely receipt by the USDA.

Proposals sent via the U.S. Postal Service must be sent to the following address: Community Food Projects Competitive Grants Program, c/o Proposal Services Unit, Office of Extramural Programs, USDA/CSREES, STOP 2245, 1400 Independence Avenue, SW, Washington, DC 20250–2245, Telephone: (202) 401–5048.

C. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged in writing and by e-mail, therefore applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. The acknowledgment will contain an identifying proposal number. Once your proposal has been assigned an identification number, please cite that number in future correspondence.

Part V—Selection Process and Evaluation Criteria

A. Selection Process

Proposals must be received on or before June 4, 1999. Since the award process must be completed by September 30, 1999, applicants should submit fully developed proposals that meet all the requirements set forth in this RFP and have fully developed budgets as well. However, USDA does retain the right to conduct discussions with applicants to resolve technical and/or budget issues as it deems necessary.

Each proposal will be evaluated in a two-part process. First, each proposal will be screened to ensure it meets the basic eligibility requirements as set forth in this RFP. Proposals not meeting the requirements as set forth in this RFP will be returned without review. Second, each proposal that meets the eligibility requirements will be evaluated and judged on its merits by expert reviewers.

A number of individual experts will review and evaluate each proposal that is accepted for review basing their evaluation on the stated criteria. The reviewers will be selected from among those recognized as uniquely qualified by training and experience in their respective fields to render expert advice on the merit of proposals being reviewed. These reviewers will be drawn from a number of areas, among them government, universities, and other pertinent entities involved primarily in community food security organizations or activities. The views of the individual reviewers will be used by CSREES to determine which proposals will be recommended to the Administrator for funding.

Proposals will be ranked relative to all those received, and ranking will be based on how well the applicant answered the eight questions in the Project Narrative, the potential for achieving project goals and objectives, the extent to which appropriate community organizations are involved, and whether, in the judgment of the reviewers, the project will become self-sustaining. Final approval for those proposals recommended for an award will be made by the agency Administrator (or designee).

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Care will be taken to avoid actual, potential, and/or the appearance of conflicts of interest among reviewers. Evaluations will be

confidential to USDA staff members, expert reviewers, and the project director(s), to the extent permitted by law.

B. Evaluation Criteria

The evaluation of proposals will be based on the following criteria, weighted relative to each other, and assigned a point value, as noted in the parentheses following each criteria discussion.

(1) The degree to which the proposed project addresses the three statutory objectives of the CFPCGP, namely (i) meet the food needs of low-income people; (ii) increase the self-reliance of communities in providing for their own food needs; and (iii) promote comprehensive responses to local food, farm, and nutrition issues (25 points);

(2) The food security problem(s) being discussed, including an informative description of the community, its characteristics, assets, and needs (10 points);

(3) The goals and purposes of the project and how these goals will be achieved. The Secretary, in accordance with the legislation authorizing this program, will give preference to proposed projects that include one or more of the following goals, which will be given equal weight: (i) Developing linkages between two or more sectors of the food system; (ii) supporting the development of entrepreneurial activities as part of the proposed project; (iii) developing innovative linkages between the for-profit and nonprofit food sectors; and (iv) encouraging long-term planning activities and multi-system, interagency approaches (25 points);

(4) A discussion of the organizations, including the applicant entity, to be involved in the proposed project, highlighting their relevant experience and extent of support. The extent to which an applicant private, nonprofit organization can demonstrate a history of commitment to and direct involvement in food security projects in low income communities or in communities with low income groups is an important evaluation element. The qualifications of staff involved with the proposed project and/or organizational leadership should reflect the expertise necessary to carry out the proposed activities or similar types of activities. Experience in and connections with the community will be considered as important as academic or professional credentials in this regard (15 points);

(5) The viability of plans for achieving self-sufficiency with a one-time infusion of federal funds (15 points);

(6) The strength of the proposed project's evaluation component (8 points); and

(7) The time line for accomplishing project goals and objectives (2 points).

Part VI—Supplementary Information

A. Access To Review Information

Copies of summary reviews will be sent to all applicant project directors automatically, as soon as possible after the review process has been completed. The identity of the individual expert reviewers will not be provided.

B. Grant Awards

(1) General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this request for proposals. The date specified by the Administrator as the effective date of the grant shall be no later than September 30 of the Federal fiscal year in which the project is approved for support and funds are appropriated for such purpose, unless otherwise permitted by law. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this request for proposals shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

(2) Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this part if such information has not been provided previously under this or another program for which the sponsoring agency is responsible. Copies of forms recommended for use in fulfilling the requirements contained in this section will be provided by the sponsoring agency as part of the preaward process.

(3) Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded a grant under the terms of this request for proposals;

(b) Title of project;

(c) Name(s) and address(es) of project director(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

CSREES will award standard grants to carry out this program. A standard grant is a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without additional support at a future date.

C. Use of Funds; Changes

(1) Delegation of Fiscal Responsibility

The grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(2) Performance Reporting Requirements

The grantee must prepare an annual report that details all significant activities towards achieving the goals and objectives of the project. The narrative should be succinct and be no longer than five pages, using 12-point, single-spaced type.

(3) Changes in Project Plans

(a) The permissible changes by the grantee, project director(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the project

director(s) are uncertain as to whether a change complies with this provision, the question must be referred to the Authorized Departmental Officer (ADO) for a final determination.

(b) Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(c) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

(d) Changes in Approved Budget: Changes in an approved budget must be requested by the grantee and approved in writing by the ADO prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles or the Departmental regulations, unless prescribed otherwise in the terms and conditions of a grant.

D. Other Federal Statutes and Regulations that Apply

Several other Federal statutes and regulations apply to grant proposals considered for review and to project grants awarded under this program. These include but are not limited to:

7 CFR part 1—USDA implementation of the Freedom of Information Act.

7 CFR part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (i.e., Circular Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR part 15B (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

E. Confidential Aspects of Proposals and Awards

When a proposal results in a grant, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the Secretary determines to be of a privileged nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as privileged should be clearly marked as such and sent in a separate statement, two copies of which should accompany the proposal. The original copy of a proposal that does not result in a grant will be retained by the Agency for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Evaluation of Program

Section 25(h) of the Food Stamp Act of 1977, as amended, requires USDA to provide for an evaluation of the success of community food projects supported under this authority. All grantees shall be expected to assist USDA by providing relevant information on their respective projects.

Applicants need to plan for their own internal self-assessments and evaluations to measure the effectiveness of each project.

G. Stakeholder Input

CSREES has determined that this program is not an agricultural research, extension, or education program for the purposes of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (''1998 Act''), 7 U.S.C. 7613(c)(2). Therefore, CSREES is not required by statute to solicit stakeholder input regarding this RFP. CSREES, however, always welcomes constructive comments from interested parties regarding an RFP or particular program. Such comments for this program may be sent to the contact listed in the preamble of this notice.

Done at Washington, DC, this 14th day of April 1999.

Colien Hefferan,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 99–9820 Filed 4–19–99; 8:45 am]

BILLING CODE 3410–22–P

Reader Aids

Federal Register

Vol. 64, No. 75

Tuesday, April 20, 1999

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids — **202–523–5227**

Laws — **523–5227**

Presidential Documents

Executive orders and proclamations — **523–5227**

The United States Government Manual — **523–5227**

Other Services

Electronic and on-line services (voice) — **523–4534**

Privacy Act Compilation — **523–3187**

Public Laws Update Service (numbers, dates, etc.) — **523–6641**

TTY for the deaf-and-hard-of-hearing — **523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service that delivers information about recently enacted Public Laws. To subscribe, send E-mail to

listproc@lucky.fed.gov

with the text message:

subscribe publaws-l <firstname> <lastname>

Use listproc@lucky.fed.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries at that address.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, APRIL

15633–15914 1
15915–16332 2
16333–16600 5
16601–16796 6
16797–17078 7
17079–17270 8
17271–17500 9
17501–17940 12
17941–18322 13
18323–18550 14
18551–18796 15
18797–19016 16
19017–19250 19
19251–19438 20

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

7177 17075
7178 17077
7179 17499
7180 17939
7181 18317
7182 18321
7183 19017

Executive Orders:

11223 (Amended by EO 13118) 16595
11269 (Amended by EO 13118) 16595
11958 (Amended by EO 13118) 16595
12163 (Amended by EO 13118) 16595
12188 (Amended by EO 13118) 16595
12260 (Amended by EO 13118) 16595
12293 (Amended by EO 13118) 16595
12301 (Amended by EO 13118) 16595
12599 (Amended by EO 13118) 16595
12703 (Amended by EO 13118) 16595
12884 (Amended by EO 13118) 16595
12981 (Amended by EO 13117) 16391
13116 16333
13117 16591
13118 16595
13119 18797

Administrative Orders:

Presidential Determinations:

No. 99-18 of March 25, 1999 16337
No. 99-19 of March 31, 1999 17081
No. 99-20 of March 31, 1999 17083
No. 99-21 of April 8, 1999 18551

Memorandums:

March 23, 1999 (Amended by EO 13118) 16595
March 31, 1999 17079

5 CFR

351 16797
532 ..... 15915, 17941
870 16601
890 15633
1200 15916
2411 18799

7 CFR

6 17501
254 17085
301 15916
760 17942
801 19019
916 19022
917 19022
981 18800
1079 19034
1361 18323
1437 17271
1477 18553
1728 17219
1753 16602

Proposed Rules:

28 15937
340 16364
905 15634
944 15634
1000 16026
1001 16026
1002 16026
1004 16026
1005 16026
1006 16026
1007 16026
1012 16026
1013 16026
1030 16026
1032 16026
1033 16026
1036 16026
1040 16026
1044 16026
1046 16026
1049 16026
1050 16026
1064 16026
1065 16026
1068 16026
1076 16026
1079 ..... 16026, 19071
1106 16026
1124 16026
1126 16026
1131 16026
1134 16026
1135 16026
1137 16026
1138 16026
1139 16026
1205 19072
1220 18831
1306 19084
1309 19084
3418 18534

8 CFR

103 17943

Proposed Rules:

2 17128

9 CFR

1.....15918
3.....15918, 19251

Proposed Rules:

72.....17573
93.....16655
201.....15938

10 CFR

2.....15636, 15920
10.....15636
11.....15636
25.....15636
40.....17506
50.....17944, 17947
72.....17510
73.....17947
95.....15636

Proposed Rules:

30.....18833
39.....19089
40.....18833
70.....18833
170.....15876, 18835
171.....15876, 18835

12 CFR

3.....19034
208.....19034
213.....16612
225.....19034
226.....16614
325.....19034
330.....15653
611.....16617
620.....16617
790.....17085
935.....16618, 16788

Proposed Rules:

933.....16792
934.....16792
935.....16792
1750.....18084

13 CFR

115.....18324

Proposed Rules:

107.....18375
120.....15942
121.....15708

14 CFR

39 .....15657, 15659, 15661, 15669, 15920, 16339, 16621, 16624, 16625, 16801, 16803, 16805, 16808, 16810, 17086, 17512, 17514, 17522, 17524, 17947, 17949, 17951, 17954, 17956, 17950, 17961, 17962, 17964, 17966, 18324, 18802, 18804, 18806, 19254
71 .....15673, 15674, 15675, 15676, 15678, 15679, 16024, 16340, 16341, 16342, 16343, 16344, 17219, 17934, 18563, 19255, 19257, 19258, 19259, 19260, 19261, 19262, 19263, 19265, 19266, 19267, 19268
91.....15912
93.....17439
95.....18563
97 .....17277, 17526, 17528

Proposed Rules:

39 .....16364, 16366, 16656, 17130, 18382, 18384, 18386, 18835, 18840, 18842, 18845, 19096
65.....18302
71 .....15708, 16024, 16368, 16369, 16370, 16371, 17133, 17717, 17983, 17984, 18392, 18481, 18584, 19310, 19312, 19313, 19314, 19316, 19317
91.....17293, 18302
105.....18302
108.....19220
119.....16298, 18302
121.....16298, 18766
125.....18766
129.....16298
135 .....16298, 17293, 18766
145.....18766
183.....16298

15 CFR

738.....17968
740.....17968
742.....17968
748.....17968
762.....17968
774.....17968

16 CFR

Proposed Rules:

241.....18081
256.....18081

17 CFR

275.....15680
279.....15680

Proposed Rules:

1.....17439
230.....18481
240.....18393, 18481
270.....18481

18 CFR

1b.....17087
284.....17276
343.....17087
385.....17087

19 CFR

10.....16345
12.....17529
18.....16345
113.....16345
122.....18566
178.....16635, 16345
192.....16635

Proposed Rules:

19.....16865
146.....15873

20 CFR

404.....17100, 18566
416.....18566
652.....18662
660.....18662
661.....18662
662.....18662
663.....18662
664.....18662
665.....18662
666.....18662
667.....18662
668.....18662
669.....18662
670.....18662
671.....18662

21 CFR

26.....16347
201.....18571
312.....19269
330.....18571
331.....18571
341.....18571
346.....18571
355.....18571
358.....18571
369.....18571
510.....15683, 18571
520 .....15683, 15684, 18571, 18572
522 .....15683, 15685, 18573
556.....18573
558.....15683, 18574
701.....18571
874.....18327
882.....18327
890.....18329
900.....18331

Proposed Rules:

1.....15944
101.....15948, 17295
310.....17985
1308.....17298, 17299

22 CFR

Ch. II.....15685
Ch. VI.....15686
121.....17531
123.....17531
124.....17531
126.....17531
171.....18808
201.....17535
514.....17975, 17976

Proposed Rules:

514.....17988

23 CFR

1327.....19269

Proposed Rules:

777.....16870

24 CFR

100.....16324
103.....18538

Proposed Rules:

990.....17301

25 CFR

291.....17535

Proposed Rules:

Ch. I.....18585
151.....17574

26 CFR

1.....15686, 15687
7.....15687
31.....15687
301.....16640, 17279
602 .....15687, 15688, 15873, 17279

Proposed Rules:

1.....16372
301.....19217

27 CFR

178.....17291

Proposed Rules:

4.....17588
5.....17588
7.....17588

28 CFR

16.....17977
77.....19273
504.....17270

Proposed Rules:

65.....17128

29 CFR

1926.....18809
4044.....18575

Proposed Rules:

1.....17442
5.....17442

30 CFR

920.....17978
935.....17980

Proposed Rules:

46.....18498, 18528
48.....18498
206.....15949, 17990
250.....19318
700.....18585
740.....18585
746.....18585
750.....18585
934.....18586
935.....18857
948.....19327

31 CFR

210.....17472

32 CFR

812.....17101
863.....17545

33 CFR

100 .....16348, 16812, 16813
117 .....16350, 16641, 17101, 18576
155.....18576
165 .....16348, 16641, 16642, 17439, 18577, 18810, 18814
187.....19039
334.....18580

Proposed Rules:

100.....18587
117.....17134
154.....17222
175.....15709
177.....15709
179.....15709
181.....15709
183.....15709

34 CFR

682.....18974

36 CFR

Proposed Rules:

1.....17293
2.....17293
3.....17293
4.....17293
5.....17293
6.....17293
7.....17293

39 CFR

20.....19039
111.....16814, 17102

40 CFR

52 .....15688, 15922, 17102,

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT APRIL 20, 1999

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Nectarines and peaches grown in—

California; published 4-19-99

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

California bighorn sheep; Sierra Nevada distinct population segment; published 4-20-99

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

AlliedSignal Avionics, Inc.; published 3-10-99

Allison Engine Co., Inc.; published 4-5-99

New Piper Aircraft, Inc.; published 3-10-99

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Cherries (tart) grown in—

Michigan et al.; comments due by 4-26-99; published 2-25-99

Milk marketing orders:

Iowa; comments due by 4-26-99; published 4-19-99

Raisins produced from grapes grown in—

California; comments due by 4-26-99; published 2-24-99

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Animal welfare:

Marine mammals; humane handling, care, treatment, and transportation; comments due by 4-26-99; published 2-23-99

Exportation and importation of animals and animal products:

Pork and pork products from Sonora and Yucatan, Mexico; importation; comments due by 4-26-99; published 2-23-99

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Irradiation of refrigerated or frozen uncooked meat, meat byproducts, etc.; comments due by 4-26-99; published 2-24-99

AGRICULTURE DEPARTMENT

Rural Utilities Service

Rural development:

Distance learning and telemedicine loan and grant program; comments due by 4-26-99; published 3-25-99

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Magnuson-Stevens Act provisions—

Gulf of Maine separator trawl whiting fishery and proposed supplemental gear; comments due by 4-29-99; published 4-14-99

DEFENSE DEPARTMENT

Acquisition regulations:

People's Republic of China; comments due by 4-26-99; published 2-23-99

DEFENSE DEPARTMENT

Navy Department

National Environmental Policy Act; implementation:

Policies and responsibilities; comments due by 4-26-99; published 2-25-99

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Equivalent emission limitations by permit; implementation; comments due by 4-26-99; published 4-16-99

Air quality implementation plans; approval and promulgation; various States:

Arizona; comments due by 4-26-99; published 3-26-99

California; comments due by 4-26-99; published 3-25-99

Utah; comments due by 4-26-99; published 3-26-99

Radiation protection programs:

Rocky Flats Environmental Technology Site; transuranic radioactive waste disposal; applicable waste characterization documents; availability; comments due by 4-26-99; published 3-25-99

Superfund program:

Toxic chemical release reporting; community right-to-know—

Chromite ore from Transvaal Region, South Africa; comments due by 4-26-99; published 2-23-99

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Florida; comments due by 4-26-99; published 3-16-99

Missouri; comments due by 4-26-99; published 3-16-99

Montana; comments due by 4-26-99; published 3-16-99

Texas; comments due by 4-26-99; published 3-16-99

FEDERAL EMERGENCY MANAGEMENT AGENCY

Disaster assistance:

Major disaster and emergency declarations, Governors' requests; evaluation; comments due by 4-26-99; published 1-26-99

FEDERAL RESERVE SYSTEM

Availability of funds and collection of checks (Regulation CC):

Sending notices in lieu of returning original checks; comments due by 4-30-99; published 2-24-99

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Preble's meadow jumping mouse; comments due by 4-30-99; published 3-16-99

Rhadine exilis, etc. (nine invertebrate species from Bexar County, TX); comments due by 4-29-99; published 12-30-98

INTERIOR DEPARTMENT

Minerals Management Service

Outer Continental Shelf; oil, gas, and sulphur operations:

Bonus payments with bids; comments due by 4-30-99; published 3-31-99

Royalty management:

Oil value for royalty due on Federal leases; comment extension; comments due by 4-27-99; published 4-13-99

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Indiana; comments due by 4-26-99; published 3-25-99

JUSTICE DEPARTMENT

Prisons Bureau

Inmate control, custody, care, etc.:

Inmate discipline respecting violations of telephone and smoking policies; comments due by 4-26-99; published 2-25-99

Over-the-counter (OTC) medications; inmate access; comments due by 4-30-99; published 3-1-99

Searches of housing units, inmates, and inmate work areas, and persons other than inmates; use of electronic devices; comments due by 4-26-99; published 2-25-99

LABOR DEPARTMENT

Labor-Management Standards Office

Transportation Equity Act for 21st Century; implementation:

Employee protections; certification requirements; comments due by 4-29-99; published 3-30-99

LABOR DEPARTMENT

Mine Safety and Health Administration

Coal mine and metal and nonmetal mine safety and health:

Underground mines—

Diesel particulate matter exposure of miners; comments due by 4-30-99; published 2-12-99

NUCLEAR REGULATORY COMMISSION

Domestic licensing and related regulatory functions; environmental protection regulations:

Nuclear power plant operating licenses; renewal requirements; comments due by 4-27-99; published 2-26-99